

School of Theology at Claremont



10011432453



Theology Library

SCHOOL OF THEOLOGY  
AT CLAREMONT  
California











BM  
11  
H4  
v. 16

# HEBREW UNION COLLEGE ANNUAL

BOARD OF EDITORS

DAVID PHILIPSON, CHAIRMAN

SHELDON H. BLANK

JULIAN MORGENSTERN

ABRAHAM CRONBACH, SECRETARY

VOLUME XVI

1941

KTAV PUBLISHING HOUSE, INC.

NEW YORK

1968

REPRINTED BY PERMISSION OF HEBREW UNION COLLEGE  
CINCINNATI, OHIO

MANUFACTURED IN THE UNITED STATES OF AMERICA  
LIBRARY OF CONGRESS CATALOG CARD NUMBER: 68-16889

## TABLE OF CONTENTS

Psalm 48	
Julian Morgenstern, Hebrew Union College, Cincinnati . . . . .	1
Revelations of Torah After Sinai	
Bernard J. Bamberger, Albany, New York . . . . .	97
The Transmission of Early Rabbinic Tradition	
Louis Finkelstein, Jewish Theological Seminary, New York . . . . .	115
The Problem of the Anonymous Mishna	
Alexander Guttman, Hebrew Union College, Cincinnati . . . . .	137
Joseph Kara's Commentary on Micah in Relation to Rashi's Commentary	
Henry Englander, Hebrew Union College, Cincinnati . . . . .	157
The Gradations of Benevolence	
Abraham Cronbach, Hebrew Union College, Cincinnati . . . . .	163
Beitraege Zur Finanzgeschichte der Juedischen Gemeinden in Polen	
Bernard D. Weinryb, New York City . . . . .	187
John Toland and Judaism	
Max Wiener, Hebrew Union College, Cincinnati . . . . .	215
Additions and Corrections	
Michael Wilensky, Cincinnati, Ohio . . . . .	243
The Philosophy and Theory of Music in Judaeo-Arabic Literature	
Eric Werner and Isaiah Sonne, Hebrew Union College, Cincinnati .	251
Jewish Artists Before the Period of Emancipation	
Franz Landsberger, Hebrew Union College, Cincinnati . . . . .	321
Hebrew Phonology	
Alexander Sperber, Jewish Theological Seminary, New York City .	415

### Right End of Volume

לחקר הספרותי של משנה	
Abraham Weiss, Rabbi Isaac Elchanan Theological Seminary, New York . . . . .	א
לחולרות קהלות בולווייה בתחלת המאה הט"ו	
Isaiah Sonne, Hebrew Union College, Cincinnati . . . . .	לה
שרידי שירה מ תקופת הזהב	
Simon Bernstein, New York City . . . . .	צט





## PSALM 48

JULIAN MORGENSTERN, Hebrew Union College

### I

#### INTRODUCTION

APPARENTLY it has never occurred to any scholar that Ps. 48 may not be a literary unit. At any rate, without a single exception biblical commentators have so treated it. But this very insistence upon the unity of the Ps. has given rise to widely differing interpretations of it; and each quite naturally with an equal justification.

Those scholars<sup>1</sup> who center their attention upon vv. 5-8 interpret the poem as a historical psalm, celebrating the deliverance of Jerusalem and of Judah by Yahweh, in surprising and almost miraculous manner, from some seemingly irresistible enemy and depicting the exultation of the people at this manifestation of Yahweh's power and of His protection of and favor towards them. They are in complete agreement that the reference is to some specific event in Jewish history. And, following the lead of Theodore of Mopsuestia, almost without exception they maintain that this specific event is the somewhat mysterious and traditionally miraculous withdrawal of Senacherib from the siege of Jerusalem in 701 B.C.<sup>2</sup> They regard the Ps. as practically contemporaneous with this event and so as pre-exilic, and specifically as having been composed very soon after 701 B.C.

At first glance this interpretation seems not at all unreasonable, in fact even quite satisfying. Therefore, no doubt, this interpretation of the Ps. was generally accepted without question by almost two generations of modern biblical scholars and even today still finds its staunch defenders.<sup>3</sup> Some scholars, however,

<sup>1</sup> Ewald, Wellhausen, Nowack, Baethgen, Kessler, Kautzsch, König, Buttenwieser, *et al.*

<sup>2</sup> 2 Ki. 18.13-19.37; Isa. 36-37.

<sup>3</sup> Most recently and with most detailed argument, Buttenwieser, and also, in part at least, Oesterley.

perceived clearly that vv. 5-8 suggest the Senacherib episode only remotely and only with the play of a certain amount of imagination, coupled with some slight verbal revision; therefore they preferred to regard these vv. as recounting, in a rather generalizing manner, Yahweh's by no means infrequent deliverances of Jerusalem from the attacks of hostile kings. And having then disposed of vv. 5-8 in this rather cavalier manner, they concentrate their attention upon the remainder of the Ps. and interpret it as a pilgrimage psalm, the chant of a pilgrim, or of a body of pilgrims, coming joyously from somewhere in the Diaspora to Jerusalem to celebrate there one of the three annual pilgrimage festivals.<sup>4</sup> Of these scholars some, such as Duhm and Kittel, ascribe the Ps. to the immediate pre-Maccabean period, while others, notably Baethgen and Briggs, regard it as the product of the early Persian period. Briggs and Kittel, despite their interpretation and dating of the Ps. as a unit, still see in vv. 5-8 a definite reference to the Senacherib episode. Bertholet, following Duhm in this, becomes quite specific and holds that the pilgrim or pilgrims in question come from the far South, presumably from Upper Egypt. Staerk interprets vv. 5-8 as an eschatological utterance.

Apparently influenced by this suggestion of Staerk, Gunkel goes further and interprets the Ps. as an eschatological picture of the siege of Jerusalem by the kings of the earth at the "end-time" and their overthrow by Yahweh just outside the walls of Jerusalem. This is the implication of vv. 5-8 specifically.<sup>5</sup> The remainder of the Ps., he contends, is liturgical in character; it provides the liturgy for a festal procession, with vv. 1-10 sung by a group of worshipers within the Temple and vv. 11-15 by a solemn procession around the city.<sup>6</sup> He makes no attempt to fix the date of the Ps.<sup>7</sup>

<sup>4</sup> So Duhm, Briggs, Staerk, Kittel, Bertholet. Cheyne seems to waver between the two interpretations.

<sup>5</sup> At the same time Gunkel refutes quite convincingly the interpretation that vv. 5-8 refer to the Senacherib episode.

<sup>6</sup> Though whether by the same or by a different group of worshipers, he does not indicate.

<sup>7</sup> Bittenwieser rejects Gunkel's interpretation, though without convincing refutation.

Mowinckel<sup>8</sup> too regards this as a procession-Psalm, one of the group which he has termed "Thronbesteigungspsalmen," more specifically a "Sionshymnus," and likewise, still more specifically, attended by a procession around the city upon the New Year's Day, with the ark borne along in the midst of the procession; and this despite the indisputable fact that nowhere in the Ps. is there any mention of the ark whatever, or even the slightest hint or suggestion thereof. Mowinckel contends that the Ps. cannot refer to any specific historic event, such as the siege of Jerusalem by Senacherib, and this particularly since the tradition of the catastrophe which befell this monarch was altogether unhistoric. On the other hand, the tenses of the verbs in vv. 5-8 forbid any eschatological interpretation.<sup>9</sup> Since, as he maintains, in this festal procession upon the New Year's Day the ark played a conspicuous role,<sup>10</sup> the Ps. must come from the period when the ark was still in existence and the center of this all-important cult-act, viz. from pre-exilic times.<sup>11</sup>

In this interpretation Mowinckel is followed closely by May,<sup>12</sup> who holds, however, that the festal procession in which the ark participated, and of which this song was the liturgy, was not around the walls of the city, as Mowinckel suggests upon the basis of v. 13, but that it was from the Mount of Olives to the Temple, and that the festival in question was the Passover rather than the New Year's Day.

Finally, Johnson,<sup>13</sup> likewise starting from Mowinckel's hypothesis, also holds that the Ps. is the liturgical record of a ritual

<sup>8</sup> *Psalmstudien*, II, 4, 61 ff., 92, 106, 120, 126 ff., 159, 191.

<sup>9</sup> *Ibid.*, pp. 6-12.

<sup>10</sup> It is to this circuit of the ark around the city, so he holds, that vv. 10 ff. refer (*ibid.*, pp. 105 ff.; 128 ff.; 159). This circuit of the ark around the city upon the New Year's Day, he contends, imparts strength to the walls and makes the city impregnable. It can scarcely be denied that Mowinckel sees in these vv. far more than they seem to express, even when interpreted, not merely literally, but with some freedom.

<sup>11</sup> P. 191.

<sup>12</sup> "Some aspects of Solar Worship in Jerusalem," *ZAW*, 14 (n. F.) (1937), 276.

<sup>13</sup> "The Rôle of the King in the Jerusalem Cultus," in Hooke, *The Labyrinth*, 71-111.

procession, but that this procession is merely one detail of a dramatic or mimetic representation of the annual conquest and driving out of Mot or "Death" by Yahweh, a dramatic presentation designed to achieve the well-known homoeopathic and apotropaic effect.<sup>14</sup> He bases his interpretation chiefly upon the concluding v. of the Ps., v. 15, which, in its present text, with ample justification, he renders,

This is our God for ever and aye  
Who doth lead us against "Death."

Quite correctly he finds strong support for his interpretation in the figure of Mot in North-Semitic mythology, and particularly in the myth of the combat between Mot and 'Al'eyan Ba'al.<sup>15</sup> In this interpretation of the Ps. as a dramatic or mimetic work he is closely followed by T. H. Gaster.<sup>16</sup>

From all this it is plain that Ps. 48 has, within the course of the last century, experienced an exceedingly wide range of interpretation. Nor is there at the present moment any measure of agreement among biblical scholars as to its date, background and meaning. Manifestly too this wide latitude of interpretation results mainly from the almost self-evident fact that vv. 5-8 seem to have little in common with the thought and spirit of the remainder of the Ps. And it has become clear that it is only by forcing the meaning of either the one or the other of these two sections of the Ps., only by reading into them much that is either not present there at all or else that can be conceived only with the help of an exceedingly fertile imagination, can any plausible harmony and unity of thought between them be achieved. Yet apparently the possibility seems never to have suggested itself to any biblical scholar that vv. 5-8 may be an interpolation into the Ps. proper and that therefore the themes of each of these

<sup>14</sup> Cf. Frazer, *The Golden Bough*<sup>3</sup>, index, under "Death, the carrying out of."

<sup>15</sup> Cf. Virolleaud, in *Syria*, XII, 3, 193 ff.; Dussaud, in *Rev. de l'Hist. d. Relig.*, CXI (1935), 5-65; Montgomery and Harris, *The Ras Shamra Mythological Texts*; T. H. Gaster, "The Combat of 'Aleyan-Ba'al and Mot," *JRAS*, 1934-5.

<sup>16</sup> "Ras Shamra and Israel," an as yet unpublished manuscript, which the author very generously has permitted me to examine.



two sections of the Ps. may very well have no connection whatsoever. This is all the more surprising because, as we will soon see, vv. 9-15 follow perfectly upon vv. 2-4, without even leaving the slightest impression of any lacuna between these two parts of the Ps.

## II

### Vv. 5-8 (=Ps. 48B)

As we have already learned, several scholars<sup>17</sup> have contended that in the small section, vv. 5-8, the tenses of the verbs indicate conclusively that the passage as a whole refers to some specific event of the historic past, and that the attempt to interpret them in an eschatological sense, as Staerk and Gunkel do, is far fetched and altogether contrary to the canons of Hebrew syntax, and is manifestly nothing more than the expression of sheer desperation over their failure to find a satisfactory explanation of the vv. with reference to any known historic event. As has been pointed out, apparently the only historic event with which scholars, from the time of Theodore of Mopsuestia to the present day, have been able to associate this passage is the traditional deliverance of Jerusalem from Senacherib and his Assyrian host in 701 B.C. Even certain commentators, as we have seen,<sup>18</sup> who regard the Ps. as a post-exilic composition, none the less concede that these vv. express a strong reminiscence of the deliverance from Senacherib. Other commentators, however, even though unable to correlate these vv. satisfactorily with any other historic event, have pointed out how inadequately they can refer to the Senacherib episode. The vv. themselves make no mention whatever of Jerusalem, and it is only from their setting in the present Ps. that they may be thought to refer to Jerusalem. And obviously, if these vv. be regarded as an interpolation into the Ps., and therefore as having no primary connection whatever with the Ps. proper, then absolutely nothing remains to suggest that they refer in any way to Jerusalem and its deliverance from

<sup>17</sup> Mowinckel, *op. cit.*, 63; Buttenwieser, 104.

<sup>18</sup> Briggs and Kittel.

a siege, either by Senacherib or by any other conqueror. Furthermore, the one specific historical event to which the vv. make definite and indisputable reference is that in v. 8, the destruction of a fleet of Tarshish-ships by an east wind, an achievement which the v. ascribes to Yahweh.<sup>19</sup> But that Tarshish-ships could have, at the very best, only the remotest connection with Jerusalem and its siege, is apparent at the first glance.<sup>20</sup> That the vv. do not refer to the siege of Jerusalem by Senacherib is certain. That they do not even refer specifically to Jerusalem is, at the very least, exceedingly probable.

And once both Jerusalem and Senacherib are removed from consideration, it becomes a simple matter to determine with practical certainty the specific event in history, with which the people of Judah were concerned, and of which the author of these few vv. might well have taken notice, to which this passage refers. It is to the destruction of a considerable portion of the Persian fleet of Xerxes just before the Battle of Artemisium in 480 B.C. This event Herodotus describes in the following terms:<sup>21</sup> "The vessels of the fleet, after their arrival on the coast of Magnesia, . . . there stationed themselves, the foremost drawing close to land, the others lying on their anchors behind. As the shore was of no great extent, the fleet was ranged in eight regular divisions, with their heads towards the main sea, in which situation they passed the night. On the approach of day, the sky and the sea, which had before been serene, were violently disturbed:

<sup>19</sup> A few scholars (Wellhausen, Ehrlich, Gunkel, Bittenwieser *et al.*), following the suggestion of some manuscripts, would emend כרם to כרם, interpret רם as the subject of חשב, and so render the v. "As the east wind breaks the Tarshish ships." But this not only compels the emendation of a text which is established by MT and all the versions, but also creates a simile which has no conclusion whatever, and which therefore remains hanging awkwardly and to the confusion of the meaning of the entire passage. As we will soon see, this emendation is entirely unjustified and actually destroys the true meaning of the v.

<sup>20</sup> Therefore Sharpe (*History of the Hebrew Nation*, 131) prefers to see here an allusion to the destruction of the Tyrian vessels which were carrying supplies to Senacherib at the siege of Pelusium (cf. Herod., II, 141) (quoted from Cheyne).

<sup>21</sup> VII, 188, 190-191 (translated by Schmitz).

a furious storm arose, attended with a violent squall of wind from the east, which the inhabitants of these parts call an Hellespontian wind. They who foresaw that the tempest would still increase, and whose situation was favourable, prevented the effects of the storm, by drawing their vessels ashore, and with them preserved their own persons: of those whom the hurricane surprised farther out at sea, some were driven to the straits of Pelion, termed the Ipnoi; others went on shore: some were dashed against the promontory of Sepias, others carried to Meliboea and Casthanaea, so severe was the tempest.

"In this storm, according to the lowest calculation, four hundred vessels were totally lost, with an infinite number of men, and a prodigious treasure. Aminocles, son of Cratinus, a Magnesians, who had an estate near Sepias, reaped afterwards very considerable advantage from this tempest; many vessels of gold and silver were thrown by the tides upon his lands; he became master of various Persian treasures and an immense quantity of gold . . . . The loss of the provision-transport and of the other smaller vessels was too great to be ascertained. The naval commanders, apprehending that the Thessalonians would avail themselves of this opportunity to attack them, intrenched themselves within a buttress made of the wrecks of the vessels. For three days the storm was unabated; . . . on the fourth day the tempest ceased."

Such is Herodotus' account of this storm and its effects. Modern scholars<sup>22</sup> seem to be agreed, and no doubt with ample justification, that, in his usual, characteristic manner, Herodotus has exaggerated not a little, and in particular neither his figures of the size of Xerxes' navy<sup>23</sup> nor of the number of ships destroyed are to be trusted too implicitly. But that, as the result of this storm, Xerxes suffered a major disaster, there can be not the slightest doubt.

Still less can there be any doubt that it is to just this particular event that vv. 5-8 of our Ps. refer. V. 8 in particular, "With

<sup>22</sup> Cf. Munro, in *The Cambridge Ancient History*, IV, 284-291.

<sup>23</sup> 1207 triremes, the new style of warship, but recently come into general use, and in Ps. 48.8 correctly termed "Tarshish ships;" cf. *op. cit.*, 273-276, cf. also Albright in *BASOR*, 83 (1941), 21 f.

an east wind didst Thou shatter<sup>24</sup> the Tarshish-ships," describes the destruction of Xerxes' fleet precisely. And, significantly, the v. ascribes this destruction to Yahweh. But not only the historical import of v. 8, but equally that of v. 5, are now perfectly clear. There is no need whatever to emend עברו to חברו, as do Gunkel and Buhl, desperately seeking a reasonable historical setting for the passage, for the passage is plain in itself. The kings of this v. are, of course, the kings of the subject states which comprised the vast Persian Empire, many of whom were present in person in Xerxes' army, leading their own contingents of troops. The army had been assembled at Sardis, in Lydia, and there had passed the winter of 481/0 B.C. It is obviously to this that v. 5a refers. Early in the spring, so soon as weather conditions permitted, the army set out and very soon came to the Hellespont, which it crossed upon a bridge of boats, which had been prepared in advance. This was an engineering feat so remarkable that it is still regarded by historians as an outstanding achievement. That in its own day it must have been thought to border upon the marvelous, is beyond question. Patently it is to these events, the assembling of the kings at Sardis and the crossing of the Hellespont soon thereafter, that v. 5 refers. Vv. 6-7, of course, describe, in graphic manner, the rapidly increasing terror and panic of the Persians, as the storm came upon them and its fury steadily increased, and the seeming hopelessness of their situation, at least as the author of these vv., either not fully conversant with all the historic details or else purposely exaggerating these for the glorification of Yahweh and also for his own personal satisfaction and that of his readers, represented it, grew steadily upon them.

There can be scarcely any doubt that this destruction of Xerxes' fleet is the historic event to which these vv. refer. Therefore it is possible to date these vv. precisely. They must be practically coincident with the event which they describe.<sup>25</sup>

■ Interpreting חשבר as the second, sing. masc., referring to Yahweh; cf. note 19.

■ And therefore are, with possibly one exception soon to be considered, absolutely the earliest literary record of that event which we possess. The vv. reveal no knowledge whatever of the Battles of Salamis, Plataea and Mycale,

News such as this travels fast. According to Munro,<sup>26</sup> it was the Cilician fleet, one of the important contingents of Xerxes' navy, which felt the chief effects of this disaster. The report thereof would have spread quickly to Cilicia and from there to the Phoenicians, whose own ships constituted the largest and most important unit in the Persian fleet; and from there the word would have advanced quickly to Judaea. And manifestly it must have been good news for the Jews of Jerusalem and vicinity, for in it, it is self-evident, they saw the discomfiture of their great enemy and oppressor, Xerxes, and this too, as they interpreted it, at the hands of Yahweh Himself. Just why they should have so regarded Xerxes and therefore have received the news of the disaster which had befallen him and his navy with such manifest rejoicing, is an interesting and important story, but one into which we may not enter here.

It is well to note too that the text of these four little verses is in absolutely perfect condition. Not a single letter need be changed. The verses are couched in a uniform 3/2 measure, as follows:

to which, with his manifest exultation over the discomfiture of Xerxes and the Persian host, the author would undoubtedly have referred, had he been aware of them. In fact the vv. make no mention of the Battle of Artemisium itself or of Thermopylae. Of course we have here only a small fragment of a poem, which, at the very least, certainly consisted of somewhat more than these four short verses. Not improbably this poem, in its original, full form, may have referred to these various battles of 480-479 B.C. But even granting this possibility, it seems reasonably assured that the poem was composed not later than 479 B.C., while actually 480 B.C. seems a still more precise and probable date.

<sup>26</sup> Whose argument is, however, apparently based largely upon assumption and is not at all convincing. The only specific information which Herodotus gives concerning the national affiliations of the ships destroyed by the storm is that among them were twelve of the thirteen Paphian, i. e. Cyprian, vessels which were in Xerxes' fleet (*ibid.*, 195). This record, however, is not without specific significance for our study. For it may be presumed that before the storm the thirteen Paphian vessels had been anchored close together. If therefore twelve of these thirteen vessels were lost in the storm, its extremely ravaging effects are self-apparent, and it is a safe inference that the vast majority of the ships which were anchored too far out at sea to be drawn up on the mainland at the approach of the storm must have perished. The import of this inference will become apparent very soon.



5 כִּי־הִנֵּה הַמַּלְכִּים נֹעְדוּ / עֲבְרוּ יָחַד  
 6 הֵמָּה רָאוּ כִּן־תִּמְהוּ / נִבְהָלוּ נַחְפוּ  
 7 רָעַדָּה אַחֲזָתָם שָׁם / חֵלַל כִּי־לָדָה  
 8 בָּרוּחַ קָדִים תִּשְׁבֵּר / אֲנִיּוֹת תִּרְשִׁישׁ

The metrical effect is excellent.

Still another biblical passage seems to refer specifically to this same historical incident and so to confirm our interpretation of Ps. 48B.<sup>28</sup> It is Ezek. 27. Scholars have long recognized that the chapter consists of two distinct strata. In what seems to be the original nucleus of this chapter, vv. 1–3aa, 3bβ–8, 26–36,<sup>29</sup>

<sup>27</sup> Note the interesting fact that here the caesura comes between the verb and its object, a somewhat unusual position, though by no means without parallel; cf. Ps. 78.38; 106.37 (here the caesura comes between the first and the second object of the verb); 110.5; 116.1; Lam. 2.2 (thrice), 8 (twice), 9, 14, 22c; 3.3, 5; Ezek. 27.33b (cf. below, p. 13). Very strangely Briggs, Peters and Buitenvliet regard Ps. 48.8 as an interpolation, no doubt only because of their inability to satisfactorily associate this account of the destruction of Tarshish ships by an east wind with any siege of Jerusalem.

<sup>28</sup> As we will, from this point on, designate vv. 5–8, while the remainder of the Ps., vv. 2–4, 9–15, we will designate as Ps. 48A.

<sup>29</sup> Practically all modern scholars would include vv. 9 and 25 in Ezek. 27A, but upon altogether insufficient grounds. V. 9 consists of two tristichs, couched in 3/2/2 meter, a metrical form which occurs occasionally in 27B, but which differs essentially from the 3/2 meter uniform in 27A, except perhaps for the last distich (cf. below, note 54). Moreover, after the climactic mention of the experts of Tyre as being the officers (cf. below, note 38) of the ship, in v. 8, it is certainly anti-climactic to have v. 9 refer to the elders of Byblos and its experts as being the caulkers of seams in the ship. Also the second tristich departs from the figure of the ship of state and employs instead as its basic figure the entire merchant-fleet of Tyre. Likewise the repetition in v. 9 of the words, וְחִכְמָיָהוּ הֵיוּ בָךְ, immediately after the same words in v. 8, is awkward and weakening and unworthy of the vigorous poem which 27A is. Unquestionably v. 9 belongs to 27B, and may well have been suggested by the mention of the מחוקי בדקך in v. 27.

V. 25 too is a double-distich, of which the first distich seems to be somewhat corrupt, and its original metrical form in consequence indeterminable. The second distich is in 3/2 meter, and, on the basis of this one consideration alone, it might well be included in 27A. However, the complete double-distich seems to deal with the figure of the entire merchant-fleet of Tyre, rather than the single ship, and its emphasis is laid upon the wide-ranging commercial

Tyre is likened to a ship, a magnificent ship of state, while in the secondary, interpolated section, the figure of the ship is discarded entirely, and Tyre is depicted as the great emporium of world-trade with its far-ranging merchant-fleet. Only the first section, which may be designated for convenience Ezek. 27A, has import for our present study. The text is fairly well preserved. With comparatively simple and minor emendations,<sup>30</sup> based largely upon the versions, it may, with reasonable probability, be reconstructed as follows:

1-3aα ויהי דבר יהוה אלי לאמר: ואתה בן־אדם שֵׁא עַל־צַר קִינָה: וְאָמַרְתָּ לְצֹר  
 3bβ אֶת־אִמְרָתָא (אִינִי)<sup>31</sup> אֲנִי / כְּלִילַת יָפִי  
 4 בְּלֵב יָמִים בְּנוֹךְ<sup>32</sup> / כִּלְדוֹ יָפִיךְ  
 5 בְּרוּשִׁים מִשְׁנִיר בְּנוֹלֵךְ / אֶת־כֶּלֶס<sup>33</sup> לְחַחֶיךָ  
 אֲרוֹ מִלְּבָנוֹן לְקָחוּ / לַעֲשׂוֹת תֵּרֶן־<sup>34</sup>(לֶךְ)

activities of Tyre and its resultant wealth, just as in 27B, rather than upon the magnificent grandeur of the ship of state, as in 27A. For this reason it seems more reasonable to regard v. 25 as the climax and conclusion of 27B rather than as the continuation of the poem in 27A. It is not at all improbable that the interpolation of 27B, vv. 9-25, into 27A, between vv. 8 and 26 may have caused the loss of some part of the original poem; but at the most this could scarcely have been more than a few vv. in extent.

<sup>30</sup> For the majority of these emendations and the grounds for them, cf. the standard commentaries. In the following notes only those matters will be discussed in which our reconstruction or interpretation of the text differs from or goes beyond the conclusions of previous commentators.

<sup>31</sup> Wellhausen seems to have been the first to propose the interpolation of אִינִי here. In this he has been followed by all subsequent scholars except Cooke. Seemingly, however, none of these scholars, not even Wellhausen himself, noticed that *S* here reads אֲנִי twice; and undoubtedly the first אֲנִי should have been vocalized אִינִי, i. e. אִינִי.

<sup>32</sup> Bertholet would omit בְּנוֹךְ and emend נְבוֹלֵךְ to גְּדֹלֵךְ ("they reared thee") to provide the necessary verb. But גְּדֹל never means "to build; to fashion," which is what the context here seems to require. Therefore it seems better to regard נְבוֹלֵךְ as the gloss and retain בְּנוֹךְ, but to emend it to בְּנוֹךְ (cf. v. 5 for the use of בָּנָה to describe the general process of ship-building).

<sup>33</sup> Reading כָּל in order to give the word a full beat, as the meter requires.

<sup>34</sup> Since only one mast is spoken of, and that is all that ships at that time carried, it is better to retain אֲרוֹ of MT than to emend to אֲרוֹיִם with the versions. And since עַל־יָךְ at the end of the v. must undoubtedly be linked with v. 6 and emended to עַל־יָיִי (so Bertholet), but a pronominal form as a dative of reference

- 6 עֲלִינִי אֲלוֹנִים מִבֶּשֶׁן / עֶשׂוֹ<sup>35</sup> קֶשׁוּטִיךְ  
 קֶרֶשׁ שֶׁן<sup>36</sup> בְּתֹאשֵׁרִים / מֵאֵי כְּתִיִּם  
 7 שֶׁשׁ בִּרְקֵמָה מִמִּצְרַיִם / הִיָּה מִפְּרֶשֶׁךְ  
 תְּכֵלֶת<sup>37</sup> מֵאֵי אֵלִישָׁה / הִיָּה מְכֶסֶךְ  
 8 יֹשְׁבֵי צִידוֹן וְאַרְדּוֹר / הִיוּ שְׁטִים-לֶךְ  
 חֲכָמִיךְ צוֹר<sup>38</sup> הַיּוֹרֵךְ / הֵמָּה חֲבֵלֶיךָ

-----

- 26 בְּמִים רַבִּים הִבִּיאֹךְ / הַשְּׁטִים אוֹתְךָ  
 רוּחַ הַקִּדִּים שֶׁבֶרֶךְ בְּלֵב יָמִים  
 27 מִלְחָמֶיךָ וְחֲבֵלֶיךָ וְחִזְקִי<sup>40</sup>-בִּרְדֶּךָ / וְכֹל-אֲנָשֵׁי מִלְחָמָתְךָ  
 יִפְּלוּ בְּלֵב יָמִים / בְּיוֹם מִפְּלֹתְךָ

is still required, it is well to add לֶךְ. With the resultant תֶּרֶךְ-לֶךְ cf. שְׁטִים-לֶךְ at the end of v. 8a.

<sup>35</sup> We should probably vocalize קֶשׁוּטִיךְ as in v. 29. Obviously oars of extraordinary length are implied here, such as would be worthy of a ship of such magnificence.

<sup>36</sup> Omit תֶּשׁוֹ for the sake of the meter. It is probably true that no ship's deck was ever made of ivory inlaid in wood of any kind. But that does not justify the omission of שֶׁן (Cooke), for, of course, we have here a hyperbolical picture of a ship of state of utmost magnificence.

<sup>37</sup> וְאַרְדּוֹן must, of course, be omitted for the sake of the meter (Cooke).

<sup>38</sup> The emendation of צוֹר to צֶמֶר, first proposed by Kraetzschmar and accepted by Bertholet<sup>2</sup> and Cooke, does not commend itself, for in such case all the Phoenician cities would be represented in the ship except Tyre itself. It is clear that the חֲבֵלִים were not merely the pilots or helmsmen, but were actually the highest officers in the ship; so what more natural than that Tyrians themselves, i. e. their own experts in naval matters, should fill these posts?

<sup>39</sup> V. 27 is obviously overloaded and, in its present text, cannot be cast in metrical form. It is self-evident that it contains some glosses. In all likelihood this glossation is the result of the interpolation of 27B into 27A. Presumably then the glosses are those terms which refer to the commercial activity and resultant wealth of Tyre, and so accord most closely with the thought of 27B. When we remove these terms, הוֹנֵךְ וְעִזְבוֹנֶיךָ מִעֲרֶבֶךָ and וְעִזְבוֹנֶיךָ מִעֲרֶבֶךָ and also אֲשֶׁר בָּךְ וְכֹל קֶהֶל אֲשֶׁר בְּחוֹכֶךָ, what remains of the v. is completely unified in thought and accords precisely with our expectations of what the crew of such a ship of state would be, and likewise makes a perfect 3/2, 3/2 distich, such as we would expect.

<sup>40</sup> מְחִזְקִי must be emended to חִזַּקְךָ; cf. 2 Ki. 12.6, 7.8, 9, 13; 22.5.

28 דָּקוֹל זַעֲקַת חִבְלִיךָ / יִרְעֵשׁוּ . . . . .<sup>41</sup>  
 29 וִירְדוּ מֵאֲנִיּוֹתֵיהֶם / כִּלְי־תַפְשֵׁי מִשׁוֹט  
 מַלְחִים וְכִלְי־<sup>33</sup> חִבְלִים<sup>42</sup> / עַל־הָאָרֶץ יַעֲמְדוּ  
 30 הִשְׁמִיעוּ עֲלֶיךָ בְּקוֹלָם / וַיִּזְעֲקוּ מֵרָחֵק  
 וַיַּעֲלֹ עֹפֶר עַל־רֹאשֵׁיהֶם / בְּאִפֶּר יִתְפַּלְשׁוּ<sup>43</sup>  
 31 הִקְרִיחוּ עֲלֶיךָ קִרְחָה / וַחֲגֹרוּ שָׁקִים  
 וּבְכוּ עֲלֶיךָ בְּמַרְ<sup>44</sup> נֶפֶשׁ / מִסְפֵּר מֵרָחֵק  
 32 וַנִּשְׂאוּ עֲלֶיךָ נְהִי<sup>45</sup> / קִינָה יִקְוֹנוּ<sup>46</sup>  
 מִי כַצּוֹר נִדְמָתָה<sup>47</sup> / בְּתוֹךְ הַיָּם  
 33 בִּצְאָת עֲזוֹבוֹנִיךָ מִיָּמִים / הַשְׁבַּעַת עִמָּם<sup>48</sup>  
 בְּרַב הוֹנֵךְ<sup>49</sup> הָעֶשְׂרֶת / מַלְכֵי אֶרֶץ  
 34 עָתָה<sup>50</sup> נִשְׁבַּרְת מִיָּמִים / בְּמַעֲמָקֵי מַיִם  
 מַעֲרֹבֶךָ וְכִלְי־<sup>33</sup> קַהֲלֶךָ / בְּתוֹכָךְ נִפְלְאוּ

<sup>41</sup> מַנְרֵשׁוֹת is certainly a corruption. It can be emended only by conjecture, a hazardous procedure. Ezek. 38.20 suggests an emendation to דִּנִּי הִים; but despite the 'נר' of מַנְרֵשׁוֹת, corresponding to the 'דנ' of דִּנִּי, this emendation here would seem far-fetched. Equally Ezek. 26.15 suggests the substitution of הַאִיִּים for מַנְרֵשׁוֹת; but this too would be no more than a guess. It seems best therefore to leave the space blank.

<sup>42</sup> Just what הִים חִבְלֵי would mean is not clear. Moreover, since מַלְחִים is indeterminate, we would expect its correlated term to also be indeterminate; for these reasons emend to חִבְלִים. Probably we should also read וְכִלְי־.

<sup>43</sup> For בְּאִפֶּר יִתְפַּלְשׁוּ cf. Jer. 6.26.

<sup>44</sup> We might expect בְּמַרְתִּינֶפֶשׁ; but Isa. 38.15; Job 7.11; 10.1 seem to guarantee בְּמַרְתִּינֶפֶשׁ (Cooke). Perhaps, however, in all four of these instances we should emend בְּמַרְתִּינֶפֶשׁ to בְּמַרְתִּינֶפֶשׁ. This change would obviate the otherwise awkward repetition of מַרְתִּינֶפֶשׁ within the range of four short words.

<sup>45</sup> For קִינָה read with V נְהִי, a very proper parallel to קִינָה.

<sup>46</sup> Emend יִקְוֹנוּ to וַיִּקְוֹנוּ.

<sup>47</sup> נִדְמָתָה here certainly makes no sense. V read נִדְמָתָה. However, since the question here seems to be, "What other city or country has ever been destroyed in the same manner and as completely as Tyre?", it seems best to emend to the 3rd, fem. sing., נִדְמָתָה; for a parallel use of the rhetorical question of the same style and effect cf. Deut. 4.7-8.

<sup>48</sup> Omit רַבִּים for the sake of the meter; certainly it is superfluous.

<sup>49</sup> Either הוֹנֵיךְ or הוֹנֵיךְ must be omitted for the sake of the meter. It seems better to retain הוֹנֵיךְ here, since מַעֲרֹבֶךָ occurs in v. 34b, but to emend to the sing. הוֹנֵיךְ; cf. vv. 12, 27.

<sup>50</sup> עָתָה must, of course, be vocalized עָתָה with G and V.

35 כָּלֶיךָ יִשְׁבִּי הָאִיִּים / שִׁמְמוֹ עֲלֶיךָ

וּמַלְכֵיהֶם שִׁעְרוּ שִׁעַר<sup>51</sup> / רַעִים פְּנִיהֶם<sup>52</sup>

36 סוֹהָרִים בְּעַמִּים שִׁרְקוּ עֲלֶיךָ / בְּלִהוֹת<sup>53</sup> הֵיית וְאִינֶךָ עַד־עוֹלָם<sup>54</sup>

This may be rendered into English thus:

- 1 And the word of Yahweh came unto me saying: (2) O mortal one,<sup>55</sup> compose over Tyre a dirge, (3aα) and say to Tyre:  
3bβ Thou didst say: I am a ship, of perfect beauty.
- 4 In the heart of the sea did they fashion thee; they made thy beauty perfect.

<sup>51</sup> For שִׁעְרוּ שִׁעַר cf. Ezek. 32.10.

<sup>52</sup> Accepting the emendation of Bertholet, based upon Neh. 2.2. *G* and *S* read דִּמְעוּ; but it is doubtful whether דִּמְעוּ can be used with פְּנִים as the subject, in the sense, "to stream with tears;" rather it seems to mean only "to weep" and so to require a personal subject; cf. Jer. 13.17.

<sup>53</sup> Perhaps this should be read בְּלִהוֹת, as an abstract noun. However, it is by no means impossible to interpret the fem. plu. form, בְּלִהוֹת, of MT also as an abstract noun.

■ As the text stands in MT and is retained here, it constitutes a perfect 4/4 distich. However, there is absolutely no parallelism between the two stichoi, and their respective thoughts seem so utterly unrelated to each other that their arrangement as a distich seems suspicious; and this suspicion is strengthened by the sudden transition from the prevailing 3/2 meter to the 4/4. By the assumption that a single word has fallen out in each stichos the 3/2 meter would be continued to the very end of the poem. Therefore Kraetzschmar would interpolate שָׁפְקוּ after בְּעַמִּים, basing himself upon Job. 27.33. This is not impossible, but it is, of course, sheer conjecture. Actually the verb used most frequently with שָׁרַק to give the meaning implied in the context is שָׁמַם (cf. 1 Ki. 9.8; Jer. 19.8; 49.17; 50.13); and were it not that this verb has just been used in v. 35, it would be natural to supply it here. The second stichos is repeated verbatim in Ezek. 28.19, and this suggests that in both passages the text is in order and should be retained. On the other hand, Ezek. 26.21 suggests a possible basis of expansion, although of uncertain character. All in all, however, there is no urgent compulsion to emend or expand the v., and on the whole it seems best to retain the reading of MT and let the poem end, even though perhaps a bit awkwardly, in a rather poorly organized 4/4 distich.

<sup>55</sup> בֶּן אָדָם, literally, "son of man" or "human being," which, I assume, is the antithesis of בְּנֵי אֱלֹהִים, the putative sing. of בְּנֵי אֱלֹהִים or בְּנֵי אֱלִים, "the sons of God." For the immortality of "the sons of God" cf. my "The Mythological Background of Psalm 82," *HUCA*, XIV (1939), and especially pp. 79 ff.; cf. also Parker, "The Meaning of 'Son of Man,'" *JBL*, LX (1941), 151-157.



- 5 Of fir-trees from Senir did they build thee, all thy timbers;  
A cedar from Lebanon they selected, to make a mast for thee.
- 6 Of the loftiest oaks of Bashan they made thine oars;  
Thy deck was ivory (inlaid) in *ʿašur*-wood from the Cyprian  
isles.
- 7 Of linen, embroidered, from Egypt, were thy sails;  
Purple, from the isles of Elisha, was thine awning.
- 8 Citizens of Sidon and Arvad were thine oarsmen;  
Thine own experts, O Tyre, were in thee; they were thine  
officers.
- 
- 26 Upon the high seas did thine oarsmen bring thee;  
The east wind shattered thee in the heart of the sea.
- 27 Thy sailors and thine officers and thy caulkers of seams, and  
all thy warriors  
Fell into the deep sea upon the day of thy catastrophe.
- 28 At the sound of the shrieking of thy sailors the . . . . . roared,  
29 While all those who grasped the oars disembarked from their  
ships;  
Sailors and all the officers, upon the land they stood.
- 30 In concern for thee they screamed, they shrieked bitterly.  
They put dust upon their heads; they wallowed in ashes.
- 31 They plucked out their hair on thine account; they girded  
themselves with sackcloth;  
And in bitterness of spirit they wailed for thee, mourning  
sadly;
- 32 For thee they raised a lamentation, they chanted a dirge;  
Who has (ever) been destroyed in the midst of the sea, as  
Tyre (has been)!
- 33 When thy wares came forth from the sea thou didst provide  
abundantly for peoples;  
With the magnitude of thy treasure didst thou enrich the  
kings of the earth.

- 34 Now art thou shattered by the sea in the deep waters;  
 Thy goods and all thy host have suffered catastrophe<sup>56</sup> within  
 thee.
- 35 All the dwellers of the Isles stare at thee dumfounded,  
 And their kings are affrighted, their faces are ashen.
- 36 The merchants among the nations whistle at thee; annihilated  
 art thou, and unto eternity wilt thou not exist.<sup>57</sup>

The poem is graphic and impressive, even though stylistically it leaves something to be desired. It is couched throughout in the 3/2 measure, the measure which, at least in post-exilic literature, seems to have become traditional for the *kinah* or dirge, with the exception of the final distich, which is in the longer and more stately 4/4 measure and forms a somewhat awkward but none the less dignified conclusion to the poem.<sup>58</sup>

As has been said, Tyre is here likened to a ship. But it is manifestly no ordinary ship. It is a ship of state, such as might fittingly symbolize this powerful maritime monarchy. It is built and equipped with exceeding care, of the finest of materials brought from various lands. Its crew is recruited from the ablest sailors of the dependent Phoenician cities, while its officers and pilots are the experts from Tyre itself. But, venturing once upon the high seas, it meets its doom. An east wind shatters it, so that it sinks in deep waters, carrying its entire crew and all its rich treasure with it to the bottom of the sea. But here, probably unconsciously, the author departs somewhat from his basic figure. Suddenly, so it seems, Tyre is no longer likened to the single ship of state, which has just been sunk by the east wind. Rather it is for the moment thought of as a fleet of ships, a part of which has escaped the storm, and the crews of which have managed to land upon the seashore and thus save their lives. There they behold the fate of their less fortunate comrades in

<sup>56</sup> Or, more literally and perhaps better, "have sunk (to the bottom of the sea)."

<sup>57</sup> Literally, "and thy non-existence is unto eternity."

<sup>58</sup> But cf. note 54.

the fleet. They mourn and wail for them with the traditional rites and, returning now to the original figure of the ship of state, they even utter a dirge for Tyre, so catastrophically destroyed. And then the author, speaking now apparently for himself, gloats at the thought that when the rich wares and treasure, which had filled the ship, rise to the surface and are cast ashore, so abundant are they that they enrich the various lands and their rulers. Such is the end of Tyre forever.

It is significant that this account of the destruction of the Tyrian fleet by the storm coming from the east contains two important items which are not mentioned in Ps. 48B, viz. the record of the disembarking of the crews of a part of the fleet upon the land, where they behold the destruction of their less fortunate comrades, and the note that the treasure, which was cast ashore after the storm, was so abundant that peoples were greatly enriched by it. This agrees completely, though, of course, with a certain hyperbole of statement not at all surprising in a poem such as this, with Herodotus' account of this same incident, quoted in full above. This similarity of detail is so complete and striking that there cannot be the slightest doubt that Ezek. 27A, as well as Ps. 48B, refers to precisely the same event as does the passage from Herodotus. Nor is there any reason to question that Ezek. 27A, with all its vividness of detail, just as Ps. 48B, is practically contemporaneous with the event which it describes.

It is significant that Ezek. 27A says specifically that it was the Tyrian fleet, or at least a considerable portion of it, which was destroyed by the storm. This too seems to be the implication of Ps. 48.8, with its reference to the "Tarshish ships." And inasmuch as these two records of this incident seem to be practically contemporaneous with the event, we may well question the correctness of Munro's conclusion that it was the Cilician, rather than the Tyrian, fleet, which experienced the direst effects of this destructive storm.<sup>59</sup>

<sup>59</sup> Cf. above, note 20.

In only one, but a very significant, respect does Ezek. 27A differ from Ps. 48B. There, apparently, it is the Persians who are the object of the Psalmist's hatred, and in whose discomfiture he exults so greatly, while in Ezek. 27A it is Tyre which plays this role for its author. This divergence is of more than passing significance and has its bearing upon the reconstruction of the history of this period. But this too is a matter into which we may not enter here. It suffices for our present purpose to have thus reconstructed and interpreted Ezek. 27A in the light of its obvious historical setting, to have coordinated it with the closely related account of the same incident in Ps. 48B, and thus to have found very strong confirmation of our interpretation of that passage.<sup>60</sup>

### III

#### Vv. 2-4, 9-15 (Ps. 48A)

In significant contrast to the perfect condition of the text of Ps. 48B is the inescapable necessity of emendation, and even of some reorganization, of the text of A. Following a suggestion of Eissfeldt,<sup>61</sup> who, in turn, developed a hint given by Mowinckel, we would reconstruct the text of A as follows:

<sup>60</sup> In one additional respect this interpretation of Ezek. 27A is of deep significance. It fixes the date of this passage definitively as following soon after 480 B.C., while 27B must, of course, come from a period somewhat, and perhaps even considerably, later. The dating of Ezek. 27A in 480 B.C. or very shortly thereafter gives us, in turn, a firm starting-point in the important task of determining the date of that entire section of Ezek., chapters 25.1-36.15, the denunciations of the neighboring nations. In another study I shall endeavor to establish, upon the basis of evidence quite as convincing as that presented here for 27A, that Ezek. 28 must also come from this very same period, about 480 B.C., and that the king of Tyre, who is there denounced and derided, was the very king who was ruling over Tyre in 485 B.C. and in the years immediately thereafter. This matter is of great significance for the reconstruction of the history of the Jewish people during that very momentous and critical period.

<sup>61</sup> *Baal Zaphon, Zeus Cassios und der Durchzug der Israeliten durchs Meer*, 15, note 2.

4/3	גדול יהוה ומהלל מאד / בעיר . . . . . אלהינו <sup>62</sup>	2
4/3	הר קדש <sup>63</sup> יפה נוף <sup>64</sup> / משוש כל <sup>65</sup> הארץ	3
4/3	הר ציון ירכתי צפון / קרית מלך רב <sup>66</sup>	
4/3	אלהים בארמונותיה נודע למשגב / אלהים יכוננה ער-עולם <sup>67</sup>	4+9b

<sup>62</sup> V. 2a is practically identical with Ps. 96.4a. There is accordingly no justification for omitting יהוה, as do Briggs *et al.* As suggested by Eissfeldt, some word, which stood in the construct relation with בעיר, may well have fallen out; v. 2b would mean therefore, "in the city of . . . is our God." The missing word may have been הצדק (cf. Isa. 1.26) or האמת (cf. Zech. 8.3) or some comparable term. Buhl would omit יהוה and read בעירו. However, an alternative hypothesis suggests itself. Inasmuch as v. 2b is practically identical with v. 9a $\beta$  as emended (cf. below), it is not impossible that Ps. 96.4b, or something very similar, may have stood originally in this place, and then was lost for some reason, and after this the present v. 2b crept in as a ditto-graph of v. 9a $\beta$  to fill the gap thus created.

<sup>63</sup> Briggs, Kent, Bertholet, Mowinckel, Buhl *et al.* link הר קדש of v. 2 with what follows in v. 3.

<sup>64</sup> Gunkel would emend נוף יפה נפות, which he renders "the most beautiful of hills." This emendation is, however, rather extreme and quite unnecessary. He likewise transposes אלהינו בעיר from v. 2, omits ב' and makes יפה נפות the subject to עיר אלהינו.

<sup>65</sup> Reading כל rather than כל- and thus giving the word a full beat for the sake of emphasis and also to preserve the regular 4/3 meter of this section of the Ps.

<sup>66</sup> Briggs would transpose רב from the end of v. 3 to the beginning of v. 4, regard it as a verb, and so translate, "Yahweh (reading יהוה for אלהים, as do also Baethgen, Mowinckel and Gunkel) doth strive in her citadels." קרית מלך then, in v. 3, he translates, "a royal city," and makes it the predicate to הר ציון.

<sup>67</sup> Following Eissfeldt (*op. cit.*) in transferring v. 9b to this place, to complete the parallelism with v. 4 and also to provide the appropriate second stichos to this distich, and likewise to remove it from its present unbalancing and illogical position as a third stichos to a distich already complete in both thought and form. Because of these considerations Bertholet would omit v. 9b altogether. On the other hand, Mowinckel (*op. cit.*, 62, 126) apparently regards סלה as a substitute for a longer clause, ווא חמוט ערעד, or something quite similar, which, if actually original, would make a perfectly balanced distich with the present v. 9b; but this emendation is obviously forced. All in all the present rearrangement seems the most reasonable and probable. Moreover, with vv. 5-8 regarded as an interpolation, this transfer involves a comparatively minor and easy shift, in the range of only one verse. In all likelihood therefore the transposition of v. 9b from its original position after v. 4 took place either before, or else because of, the interpolation of vv. 5-8. Duhm, Baethgen, Briggs and Kent emend אלהים יהוה.

3/3	כאשר שמענו כדראינו / בעיר יהוה <sup>68</sup> אלהינו	9a
3/2	דמינו אלהים <sup>69</sup> חסדך / בקרב היכלך	10
3/2	כשמך <sup>70</sup> כן תהלחך / עדיקצוי ארץ	11a
3/2	צדק מלאה ימינך / ישמח הר-ציון <sup>71</sup>	11b-12
3/2	תגלנה בנות יהודה / למען משפטך <sup>72</sup>	
3/2	סבו ציון והקיפה / ספרו מגדליה	13
3/2	שיתו לבכם לחילה <sup>74</sup> / פקדו <sup>75</sup> ארמוניה	14a
3/3/3	למען <sup>76</sup> תספרו לדור אחרון / כי-זה יהוה <sup>77</sup> אלהינו / והוא ינהגנו	14b-15
3/3/3	עולם-ועד	

<sup>68</sup> The present reading, *בעיר יהוה צבאות בעיר אלהינו*, is manifestly overloaded and redundant and demands revision. Kittel omits *צבאות*; Kent omits *בעיר אלהינו*; Peters, Buhl and Mowinckel omit *יהוה צבאות*; Briggs omits the entire clause. Gunkel transposes *בעיר אלהינו* and *בעיר יהוה צבאות*. The reading here proposed is unquestionably the simplest and most probable, since it omits only the altogether superfluous *צבאות* and the redundant *בעיר*, and also restores perfectly the metrical form of the distich.

<sup>69</sup> Duhm, Baethgen, Briggs, Kent and Gunkel emend *אלהים* to *יהוה*.

<sup>70</sup> There is no need whatever to emend *כשמך* to *כשמיך*, as proposed by Gunkel, or to *כשמיך*, as proposed by Ehrlich and Perles. Such emendation, as we will soon see, implies complete failure to comprehend in its proper historical setting the very significant thought here expressed.

<sup>71</sup> With the vast majority of scholars emending *על* to the quite obvious *עד*.

<sup>72</sup> Briggs was apparently the first to regard *הר ציון* as the second stichos in the distich with *צדק מלאה ימינך* of v. 11b. With this rearrangement a most effective chiasm thus becomes apparent in the two parallel distichs. Kent, Staerk, Kittel, Bertholet, Gunkel, Mowinckel and Buhl have approved this rearrangement.

<sup>73</sup> The sing., *משפטך*, instead of the present plu., to complete the obvious parallelism with *צדק*.

<sup>74</sup> Of course reading *לחילה* with practically all commentators.

<sup>75</sup> Reading *פקדו*, with Graetz, Cheyne, Wellhausen, Peters, Kittel, and Mowinckel. Duhm and Bertholet emend, more simply, to *פסעו*, which, on the basis of the Aramaic *פסע*, they render "durchschreitet," while Baethgen, followed by Gunkel and König, retains *פסנו*, which, he contends, is the Hebrew equivalent of the Aramaic *פסעו*, and which he therefore likewise renders "durchschreitet." Briggs and Kent emend to *הפלו*, which they render, rather artificially, "distinguish." Manifestly the emendation to *פקדו*, while not the least in extent, offers the best parallelism to *שיתו לבכם*.

<sup>76</sup> Buhl would omit *למען* and read *ותספרו*, for the sake of the meter; but this is quite unnecessary, since *למען*, as a conjunction, can be read without a beat, if this be called for.

<sup>77</sup> Emending *אלהים* to *יהוה*, as in v. 2, with Baethgen, Gunkel and Buhl.

<sup>78</sup> Slightly rearranging the final stichos of the tristich into what seems its most effective form. Cheyne, Wellhausen, Duhm, Staerk, Peters, Kittel,



It will be seen that, with this reorganization of the text, A begins with four<sup>79</sup> 4/3 distichs, continues then with one 3/3 and six 3/2 distichs and concludes, very appropriately and effectively and in a manner which is quite common, with a 3/3/3 tristich. The obvious symmetry of this metrical rearrangement, as well as the more apparent parallelism of the members within the various distichs, and likewise the effective chiasmic form of vv. 11b-12, as thus formulated, may well be regarded as very strong confirmation of the correctness of this reorganization of the text of A.

This may be rendered as follows:

- 2 Great is Yahweh and greatly to be praised;  
In the city of . . . . . is our God.<sup>80</sup>
- 3 Of majestic elevation is His holy mount,  
Joy of the entire earth;  
Mount Zion is *yarkete Safon*,  
Citadel of the mighty King.
- 4 In her palaces God is recognized as a tower of strength;<sup>81-82</sup>

Bertholet, Mowinckel and Buttenwieser omit עֶלְיוֹת. Graetz, Gunkel and Buhl emend to עֶלְיוֹתָם, which they interpret as "after the Elamite (mode)," and which they likewise regard as the beginning of Ps. 49. Ehrlich, following G, reads as one word, עוֹלָמָה, "eternity." König, with his characteristic eagerness to retain MT, translates mechanically and in seeming defiance of all meaning, "trotz des Sterbens." Briggs, followed by Kent, regards all of v. 15b, missing in G, as a gloss. Furthermore, Ehrlich would emend יְהִי לָנוּ אֱלֹהִים in order to secure what seems to him a worthy and desirable parallelism to יִהְיֶה לָנוּ. For the interpretation of Johnson, cf. above.

<sup>79</sup> Or if in v. 9a we give כֵּן a full beat, as is quite possible, and as had to be done with כֹּאשֶׁר, then five 4/3 distichs and no 3/3's.

<sup>80</sup> But cf. note 62.

<sup>81</sup> Buttenwieser's translation. However, a rendering of צִדֵּק by some such term as "justification" would bring out better the chiasmic parallelism with מִשְׁפָּט in the next distich.

<sup>82</sup> Presumably this is the meaning of נֹדַע לְמִשְׁנֵב. Actually נֹדַע לְ always invariably means "to be or become or make oneself known to somebody," for in every other case in biblical literature in this expression the preposition is followed by a noun or pronoun designating a person and not a thing. Actually therefore the expression, נֹדַע לְמִשְׁנֵב, is unique, and there can accordingly be no good reason for not translating it as we have, and as it is translated by practically all scholars.

- 9b May God establish her forever.  
 9a Even as we have heard, so do we behold<sup>83</sup>  
 The city of Yahweh, our God.  
 10 We are mindful of Thy faithfulness, O God,  
 Within Thy Temple.<sup>84</sup>  
 11 Even as Thy name, so also Thy praise  
 (Doth reach) to the ends of the earth.  
 12 Thy right hand is bounteous<sup>85</sup> in truth;  
 Let Mount Zion rejoice:  
 Let the maidens of Judah exult  
 Because of Thy justice.  
 13 Go round about Zion and make the circuit of her;  
 Enumerate<sup>85</sup> her towers;  
 14a Take note of her wall;  
 Give heed to her palaces;  
 14b-15 That you may relate to the very last generation<sup>86</sup>

<sup>83</sup> ראה is used not infrequently with the preposition ב' instead of with the direct object (compare Gen. 29.32; 1 Sam. 1.11; 2 Sam. 16.12 with Gen. 31.42; Ex. 3.7; 4.31; 2 Ki. 14.26; Ps. 31.8) and apparently when the precise thought implied is "to look at, to watch, to gaze at fixedly or for a long time, to survey, to examine, to take careful note of;" cf. Gen. 21.16; 34.1; Ex. 2.11; 1 Sam. 6.19; Isa. 66.24; Ezek. 21.26; Ps. 22.18; 113.6; Eccles. 3.22; 2 Chron. 7.3. From this it is but a short step to the connotations, "to behold, to experience (good or evil);" Num. 11.15; Jer. 29.32; Ps. 27.13; 106.5. And it is only a slight step further to the meaning, "to look upon in triumph;" Ps. 112.8; 118.7. Here obviously the meaning, is the quite simple "to behold, to look at carefully and, impliedly, for much more than a momentary glance, and likewise with the feeling of gladness and exultation." There is therefore not the slightest need or justification for emending בעיר to עיר. In fact the use of the verb with the preposition is most effective, in that it suggests the mood of the eager pilgrims, as at last they behold for the first time the sacred city, of which they had heard such glowing tales, and gaze at it fixedly and find that this examination confirms all that they had heard.

<sup>84</sup> It is not quite clear whether בקרב היכלך modifies דמינו or חסרך. More probably it modifies the latter; but in either case the precise implication of the v. is somewhat obscure.

<sup>85</sup> פקדו here would have the meaning, "count, enumerate, impress upon the memory," so that later it may be related, etc.

<sup>86</sup> לדור אחרון, not "to a later generation," but "to the very last generation;"

That this very Yahweh<sup>87</sup> is our God;  
He (it is who) will forever guide us (upon our pilgrimage).<sup>88</sup>

The first step in the interpretation of this Ps. is to determine the date of its composition and also its historical background. Various bits of evidence within the Ps. enable us to fix its date with remarkable precision.

The first fact to be noted is that the Ps. depicts Jerusalem as a city of dignity and beauty, with a wall, with palaces and towers, and, above all else, with the Temple standing.<sup>89</sup> Moreover, the Ps. breathes a spirit of quiet confidence and security. There is a deep conviction that the city and the people enjoy Yahweh's favor, that all is well with it and that its future is assured. There is no occasion for worry or for questioning Yahweh's power or His benevolent intentions towards His city and nation. These conditions might perhaps fit certain moments in the pre-exilic period of Judah's history, particularly the thirteen years period of the reign of Josiah, between the Deuteronomic Reformation and his death at the Battle of Megiddo. Or it might seem to fit the latter portion of the reign of Solomon, or the period of Judah's military and commercial expansion under Uzziah.<sup>90</sup> But second thought compels the ruling out of the reign of Solomon completely; for certainly in that early day, immediately after its erection, the Temple had not yet come to play the role here ascribed to it, nor was it the object of popular admiration and

cf. Ex. 4.8; Isa. 44.6; 48.12; Job. 19.25; Neh. 8.18; Isa. 30.8; Gen. 49.1; Isa. 2.2, Mic. 4.1 and *passim*.

<sup>87</sup> For the position of יה preceding the noun which it modifies cf. Gesenius, *Handwörterbuch*<sup>71</sup>, 193a.

<sup>88</sup> נהג, "to lead, to guide," as a shepherd or guide, who leads his flock or company in safety through all the dangers of the journey, provides for all their needs, guards them against all that threatens and brings them at last in security to their destination. Inasmuch as, as we will see, this is a pilgrim Ps., we may justifiably interpret יהגו, "He will guide us" upon our recurring pilgrimages hither to the Temple, and likewise upon our entire pilgrimage through life.

<sup>89</sup> Vv. 4, 10, 13, 14.

<sup>90</sup> Cf. "Amos Studies, III," *HUCA*, XV (1940), 267-274.

religious passion as here depicted.<sup>91</sup> And second thought too raises the question whether the closing portion of the reign of Josiah, when, nominally at least, Judah was still in a state of vassalage to the Assyrian Empire, rapidly decaying though the latter's power and dominion were, can furnish the proper historical setting for the conditions and even more for the spirit of obvious satisfaction with the present state of the people and of quiet confidence in its future, which this Ps. expresses. Perhaps then of the entire pre-exilic period the reign of Uzziah might seem to furnish the most plausible background for this Ps. Undoubtedly it was an age of national strength, achievement and confident self-consciousness.<sup>92</sup> But it was an age likewise of the detailed incidents and character of which we know all too little, and an age too which was unquestionably dominated by the figure of the king himself. It is almost inconceivable then that a Ps. composed in this period would not have made unmistakable and specific reference to the king; and this Ps. manifests not the faintest regard for or knowledge of the existence of a king over Judah, whether Uzziah or any of his predecessors or successors.<sup>93</sup> Actually then no one moment or age in the entire pre-exilic period seems to be altogether suitable as the background of this Ps.<sup>94</sup>

If then we turn to the post-exilic period and seek there an adequate historical setting for the Ps., our choice is limited immediately, by the references in the Ps. to the existence of the Temple and of palaces within and a wall around the city, to two periods, either the period following immediately upon the completion and dedication of the second Temple, in 516 B.C., and continuing

<sup>91</sup> For the attitude of suspicion and hostility on the part of the great mass of the people towards the Temple in the first half century or more after its erection, cf. *ibid.*, 103-124.

<sup>92</sup> Cf. *ibid.*, 259-277.

<sup>93</sup> "The great King" of v. 3 is, as will soon be made clear, Yahweh Himself.

<sup>94</sup> And this doubly so after having established that vv. 5-8, formerly linked so generally with the reign of Hezekiah and the experiences of 701 B.C., are not an original and integral part of the Ps. proper.

until 485 B.C.,<sup>95</sup> or following upon the rebuilding of the walls by Nehemiah in 444 B.C. And at very first glance it becomes apparent that the latter period does not lend itself well to this purpose; for while it is true that the wall of Jerusalem was rebuilt by Nehemiah, his own statements testify that even for some time after that Jerusalem continued in a ruinous and depopulated condition and that people had to be conscripted from all sections of the province of Judaea to repopulate the devastated city. Moreover, the economic circumstances as well as the spirit of the people of Judah, during and for quite some time after the period of Nehemiah, were the very antitheses of those which would make possible the note of national satisfaction, jubilation and confidence which this Ps. voices. If then we would assign the Ps. to a period following Nehemiah, we would have to assign it, as do Duhm and others, to a period well into the Hellenistic age. There seems little justification for such a procedure, and many considerations speak strongly against it.

This leaves only the brief period, 516–485 B.C., and more specifically about 500 B.C.,<sup>96</sup> open for consideration as the most probable moment for the composition of this Ps. But many and significant considerations, in addition to the fact that the Temple was certainly standing at this time and was enjoying the high and even eager and passionate regard of the vast majority of the population, not merely of Judaea proper, but certainly likewise of Galilee,<sup>97</sup> and quite probably of Samaria as well, furnish strong confirmation that this Ps. was composed at just this time. There

<sup>95</sup> The basis for what is here an altogether arbitrary statement, viz. that a crushing calamity befell the little Jewish community in 485 B.C. and marked the beginning of a new era in its life and thought, will be established conclusively in another work, to appear later.

<sup>96</sup> Since we must allow for the lapse of a reasonable number of years after 516 B.C. for the conditions and procedures depicted in the Ps. to have evolved. On the other hand, as we will show in the work referred to in the preceding note, by 490 B.C., if not even a year or two earlier, thoughts and hopes of restoration as a political nation under a Davidic king had begun to evolve under changing circumstances of history, which would have precluded almost entirely the expression of ideas and an outlook such as are voiced in this Ps.

<sup>97</sup> Cf. Finkelstein, *The Pharisees*, index, under Galilee.

are, in the first place, cogent reasons, for believing that at just this time not only was the Temple standing, but also that Jerusalem had been restored to the state of a truly imposing city, with palaces, towers and a wall, precisely as this Ps. records.

#### IV

##### "FOR HIS NAME'S SAKE"

In this connection the thought of v. 11a is of deep significance. As has been said, the real implication of this v. seems not to have been appreciated by commentators, especially those who would emend the v. in any way.<sup>98</sup> The v. says unmistakably that not only Yahweh's name, i. e. His reputation, but likewise the praise of Him reaches to the very ends of the earth. This is an expression of universalism which would have been inconceivable in Israel before Ezekiel. But it voices simply and directly a doctrine which was first formulated by that prophet and which played a role of tremendous significance in the subsequent evolution of Judaism, and particularly in the century or more following immediately upon its formulation by Ezekiel in his very last years. The implications of this doctrine can be stated succinctly.

In the period intervening between the first and second captures of Jerusalem by the Babylonians, in 597 and 586 B.C., Jeremiah rejected the doctrine of the assured doom of the nation at the hands of Yahweh as proper and justified punishment for its faithlessness and iniquity, which he himself in his youth, as well as the great prophets who preceded him, had proclaimed so assiduously and with complete conviction. In its stead he announced a new doctrine, viz. that Jerusalem must fall, the Temple be destroyed and the people go into exile; but the exile, with all its suffering, was to be, not for destruction, but for discipline, correction and regeneration; and when at last, after seventy years, the people would have become truly regenerate and would have returned to Yahweh with full heart and

<sup>98</sup> Gunkel, Ehrlich, Perles; cf. above, note 70.



soul, then Yahweh, in turn, would forgive their sins and would take them again unto Himself as His people and would restore them to their land and to national existence.<sup>99</sup> This was the doctrine of "the new covenant."<sup>100</sup>

Quite manifestly Jeremiah believed firmly that at least that section of the nation which had been carried into exile,<sup>101</sup> there to undergo the experiences of discipline and regeneration through suffering, would return to Yahweh whole-heartedly and with complete and enduring conviction and, having learned at last the error of its way, would henceforth live with Yahweh in perfect relations and would therefore never sin again. Accordingly there would never again be occasion for Yahweh to punish Israel, as He had during the exile, or to repudiate this new covenant. Therefore this would be an eternal covenant.

Probably Jeremiah died too soon after the promulgation of this doctrine to learn how grievously he was mistaken in his

<sup>99</sup> Jer. 25.11-14; 29.10-14; although these passages are probably not from Jeremiah himself, they were undoubtedly composed during the exile, perhaps during the latter portion thereof, and were based upon Jeremiah's prediction of an eventual return from exile under Yahweh's grace. That they were generally current, at least among certain sections of the people, around 516 B.C. is convincingly attested by Zech. 1.12-17; 7.5. In all likelihood it was the then generally current belief that the exile would endure for seventy years which suggested to the Persians the program of completing and dedicating the second Temple, and with this the reorganization of Israel as a theocracy instead of as a political nation, just in 516 B.C., precisely seventy years after the second deportation by Nebuchadrezzar in 586 B.C.; cf. "A Chapter in the History of the High-Priesthood," *AJSL*, LV (1938), 184 ff.

<sup>100</sup> Jer. 31.30-33. This passage was long regarded by such eminent biblical scholars as Movers, DeWette, Hitzig, Stade, Smend and Duhm as not the utterance of Jeremiah, but rather the work of a late exilic or, and more probably, a post-exilic writer. Their argument has, however, been convincingly refuted and the Jeremianic authorship of the passage valiantly defended by Cornill, and in this conclusion he has been followed by Giesebrecht and Volz. Actually the vision of the two baskets of figs, in Jer. 24, the Jeremianic authorship of which is conceded by practically all biblical scholars, with its promise of the restoration of the regenerate exiles in Babylon, would be utterly incomprehensible if the concept of the new covenant did not underlie it. Accordingly, if Jer. 24 be recognized as Jeremianic, then all the more must 31.31-34 be likewise so recognized.

<sup>101</sup> Jer. 24; 29.16-19.

expectations. But subsequent history, even in the years following immediately upon the fall of Jerusalem and the death of Jeremiah shortly thereafter,<sup>102</sup> demonstrated speedily and convincingly that the bitter experiences of expatriation and exile did not necessarily make for regeneration and return to Yahweh on the part of the surviving Jewish community, not even the portion thereof which lived in exile in Babylonia, upon which Jeremiah had rested all his hopes. On the contrary, both in Babylonia and in Palestine, so it seemed on the surface, after the first bitter experiences of conquest and readjustment had been lived through, the people continued in the former even tenor of their ways, marked by faithlessness to Yahweh and a consequent disregard of His revealed way of life, measured by prophetic standards, with resultant sinfulness, quite the opposite to the line of conduct which Jeremiah had so confidently expected. This fact was readily apparent.

But despite this, somehow or other the doctrine of Jeremiah persisted, that the exile was not to be for national doom and destruction, that in due time and despite its persistent sinfulness Yahweh would restore captive Israel to its land and to national existence and take it again as His people. Accordingly Deutero-Isaiah could proclaim<sup>103</sup> that Israel in exile had already suffered, not merely in proper measure, but even two-fold, at the hand of Yahweh for all its iniquities, and so had made full compensation therefore, and had been purged thereof and restored to divine favor; therefore the moment of its restoration to its native land was now drawing near. Therefore, so general opinion took form even before Deutero-Isaiah, all Israel had to do, and particularly Israel in exile, was to wait and hope and, through the development and practice of rites and institutions of separatistic and particularistic character, such as the Sabbath, dietary laws, circumcision, abstention from intermarriage and the like, preserve its national consciousness and identity, so that it might be ready for this national restoration, whenever it would come. Unquestionably this expectation took root deeply and speedily

<sup>102</sup> In all likelihood in exile in Egypt; cf. Jer. 43.6 f.

<sup>103</sup> 40.2; cf. below, note 122.

and was cherished generally, and by the Babylonian Jewish community in particular.

However, a paradox was inherent in this expectation, unperceived and unheeded by the people in general, but readily apparent to those thinkers who could search beneath the surface, thinkers such as Ezekiel was. The paradox was this; how was it possible to reconcile the concept of Yahweh as a God of complete and perfect justice and righteousness in His dealings with men, and particularly with Israel, His people, with the quite antithetical concept of His complete forgiveness of His people, still recognizedly and confessedly sinful and faithless? This problem, so apparent to deeply religious souls, troubled not only Ezekiel, but also subsequent thinkers and molders of the religious thought and doctrine of Judaism in the century which followed the exile; and, speaking broadly, four separate answers were given to it, the first by Ezekiel, the second by Deutero-Isaiah, the third by a group of zealous nationalists in the period about 490 B.C., and the fourth by Priestly legislators at some time during the fourth century B.C. For the interpretation of Ps. 48 it is necessary to consider only the solution of the problem proposed by Ezekiel.

His answer was the doctrine of "for His name's sake."<sup>104</sup> It is formulated most clearly in Ezek. 36, though it is occasionally referred to by the prophet elsewhere in his book.<sup>105</sup> Undoubtedly

<sup>104</sup> *למען שמו*; in origin at least anything but the conventional and half-meaningless phrase, which it tended to become in time, and as which, judging by their seeming failure to interpret it adequately in their expositions of Ezekiel and other biblical writings where it occurs, commentators have apparently regarded it; cf. "Moses with the Shining Face," *HUCA*, II (1925), 18-20.

<sup>105</sup> Ezek. 20.9, 22, 44; 39.7, 23-29. The phrase occurs also in Jer. 14.7 and 21. In V. 7, however, *G* read apparently *למען שמו* for *למען שמו* of MT, and this reading has been accepted by Duhm and Cornill. In v. 21, on the other hand, the reading of MT is attested by the versions, and this, in turn, would seem to give preference to the reading of MT in v. 7 also. Accordingly if these vv. be actually from Jeremiah, we would have here a use of the technical phrase, *למען שמו*, and an affirmation of the doctrine implicit therein earlier even than Ezekiel, and would therefore have to deny that prophet the credit for inventing it and for the original formulation of the significant doctrine which the phrase implies. Of all modern biblical scholars only Duhm and Stade question

it was conceived and formulated by him in his later years, after the people had been in exile in Babylonia sufficiently long to demonstrate convincingly that Jeremiah's expectations of their regeneration were not to be realized. Basic to the doctrine is

the Jeremian authorship of these two vv. and of the passages, vv. 7-9 and 19-22, of which they are an integral part, and this too only half-heartedly and without complete conviction. Duhm even suggests that vv. 19-22 may be from a different and a later hand than vv. 7-9. Giesebrecht too seems a bit uncertain of the authorship, but in the end ascribes both passages to Jeremiah. Cornill suggests that vv. 19-22 were once the immediate continuation of vv. 7-9.

Various considerations, however, point indisputably and convincingly to the conclusion that both passages, vv. 7-9 and 19-22, cannot be the work of Jeremiah. The concept expressed in v. 9, that Yahweh was in the midst of Israel, occurs also in Ex. 17.7; Num. 14.14; Deut. 7.21; 31.17; Isa. 12.6; Mic. 3.11; Zeph. 3.15, 17, all late, and probably post-exilic, passages, with the possibly single exception of Mic. 3.11. Similarly the concept implicit in the clause, *ושמך עזינו וקרא*, of v. 9 seems to be post-exilic. The expression occurs in eight other passages in Jer. (7.10, 11, 14, 30; 15.16; 25.29; 32.34; 34.15), but in every instance seems to be editorial. The idea underlying the clause is more readily comprehensible after Ezekiel's formulation of the doctrine of "for His name's sake" than if it preceded the formulation of this doctrine (cf. Isa. 63.19; Dan. 9.18-19). Moreover, the throne of Yahweh, mentioned in v. 21, is referred to again in Jer. only in 3.17; 17.12. In both passages it connotes Jerusalem, and presumably so here also; but the specific connection of Jerusalem with the main theme of the chapter, the devastating drought, affecting the entire country, is difficult to determine. Also both 3.17 and 17.12 are interpolations; and this same conclusion would apply here.

The two passages voice Israel's frantic pleading with Yahweh to forgive its sins, sins which it readily acknowledges, to forgive them, even though Israel does not merit forgiveness, but only divine wrath and punishment, and to forgive them because of some weighty consideration implicit in the phrase, *למען שמך*. Impliedly the consideration inherent in the phrase has a compelling force with Yahweh. But inasmuch as Jeremiah, in the first three quarters of his prophetic ministry, proclaimed unqualifiedly that Yahweh must inevitably punish Israel for its sins, and must even cast it off to its destruction, this doctrine here contradicts Jeremiah's teaching, and so cannot possibly have been uttered by him as his own personal thought. As Volz has seen, it can at the best represent only the prophet's repetition of the people's argument and appeal, in order to show how invalid and futile these are. But several considerations argue against this ingenious hypothesis. Vv. 11 ff. seem to imply that vv. 7-9 were uttered by Jeremiah himself as an appeal to Yahweh on behalf of the people; but such an appeal Jeremiah could never have uttered. In the second place, is it possible that the doctrine of "for His name's sake" could have been a popular belief in Jeremiah's day, which, however, Jeremiah him-

the principle that Yahweh is indeed a universal God, whose power and authority extend throughout the world and over all nations. Moreover, the fundamental desire of Yahweh is that this fact of His universal godhead and dominion be recognized

self rejected? And if this doctrine had been popularly current in Jeremiah's day, then how would it have been possible, or what need would there have been, for Jeremiah to subsequently formulate his doctrine of the new covenant, or for this doctrine to have been formulated at all by Jeremiah, since it is the manifest and indispensable precursor of the doctrine of "for His Name's sake?" And is it conceivable that, after this popular doctrine had been rejected by Jeremiah, some thirty years later Ezekiel should have reaffirmed it and expanded its content? And if this doctrine had been popular some thirty years earlier, how can we account for Ezekiel's formulation of it, with a clear statement of all its implications, with all the earmarks of freshness and originality, quite as if it was something entirely new with him? Is it possible to conceive of the formulation and popular acceptance of the doctrine of "for His name's sake" before Jeremiah had first formulated his doctrine of the new covenant, and even before the weaknesses and fallacies of this doctrine had begun to become apparent? All these cogent considerations seem to suggest that Jer. 14.7-9 and 19-21 must be post-Ezekelian interpolations, just as are Ex. 32.11-12 and Num. 14.13-20, in which likewise the doctrine of "for His name's sake" finds vigorous and illuminating expression.

And while it has nothing to do immediately with our main theme, and so may lead us somewhat far afield, it may not be amiss to consider Jer. 14.7-9, 19-21 with regard to their poetic structure. It seems not at all improbable that the two passages once constituted a single poem, or rather a fragment of a single poem; but if so, then vv. 19-21 undoubtedly preceded vv. 7-9 thus:

- 19 המאס מאסת את-יהודה / אם-בציון נעלה נפשך  
 3/3/3 מרוע-הכיתנו ואין-לנו מרפא / אִקוּהָ לְשָׁלוֹם ואין-טוב / ולעת מרפא והנה-בעתה  
 3/3 ידענו יהוה רשענו / לִכִּי חָטָאנוּ לָךְ  
 3/3/3 אל-חנאץ לִמְעַן שִׁמְךָ / אֶל-חֲחַבֵּל כְּסֵא כְבוֹדֶךָ / אֶל-חֲפֹר בְּרִיתְךָ אֲתָנוּ  
 3/3/3 אם-עוֹיְנוּ עָנוּ בָנוּ / עָשָׂה לִמְעַן שִׁמְךָ / כִּי-רַבּוּ מְשׁוּבָתֵינוּ לָךְ-חָטָאנוּ  
 3/3 מְקוֹה יִשְׂרָאֵל יִהְיֶה / מוֹשִׁיעוֹ בַּעַת צָרָה  
 3/3 לִמָּה-תְּהִיָּה לְכָנֶךָ בָּאָרֶץ / וּכְאֵרָח נָטָה לְדֹנָן  
 3/3 לִמָּה-תְּהִיָּה כְּאִישׁ נִדְהָם / כְּנֹכַח לֹא-יִוָּכַל לְהִנָּשֵׁעַ  
 3/3/2 וְאֵתָּה בִּקְרַבְנוּ יְהוָה / וּשְׁמֶךָ עָלֵינוּ נִקְרָא / אֵל תִּנְחָם

(a. The last two stichoi of this tristich are a quotation of Jer. 8.15; this will account for the otherwise inelegant repetition of מרפא in this tristich. b. The mention of the sin of the fathers is disturbing here, for it is their own sin which the people are confessing, and for which they implore forgiveness of Yahweh. Moreover, the retention of אבותינו would make it difficult, if not quite impossible, to read the second stichos as a three-beat measure. כִּי must be interpreted in the precative sense, and so given a full beat; likewise, since the



by all the nations of the earth. This desire on Yahweh's part has manifestly come to transcend even His desire for the repentance and regeneration of His people, Israel, and their return to Him, purged of their inclination to sin and faithlessness, and their justified restoration as His people because of this discipline and regeneration. Nor does He desire merely the recognition by all the nations of His universal godhead and authority over them, but likewise He desires, and even demands, a certain measure of homage from them, homage perhaps which is not quite comparable to that which is implicit in the worship of Him by His people, Israel, but homage in some degree none the less.

But this homage is not being accorded to Him by the nations. And in truth how and by what right can He really expect it to be accorded to Him; for, beholding the sad fate of His people,

thought expressed by לֹא is significant, it too receives a full beat; "Verily, against Thee have we sinned." c. Reading with *G* חֲנָבִי for חֲנָבִי of *MT*. d. Omitting the disturbing and quite superfluous וְכִי for the sake of the meter. e. Transferring יְהוָה from this place to the first stichos of the next distich for the sake of the meter in both stichoi. f. Reading with Rudolph כִּנְר for כִּנְר of *MT*, to perfect the parallelism with the second stichos. g. Reading the *nif'al* instead of the *hif'il* of *MT*, to fulfill the parallelism of thought with the first stichos; "As a hero unable to save himself.")

This passage has marked affinities in thought with Isa. 59.1-15, certainly a post-exilic utterance. Both passages affirm that because of Israel's sins Yahweh has repudiated, or at least suspended, His covenant relations with it and therefore, for the present at least, is not functioning in its behalf. However, the two passages differ in this, that apparently Isa. 59.1-15 knows nothing of, or else completely ignores, the doctrine of "for His name's sake," while Jer. 14.19-21, 7-9 recognizes it as a doctrine of major importance. The two passages cannot therefore be from the same author, and perhaps not even from quite the same age. But they are significant in that they give expression to a prophetic theme heard but seldom after the exile, that Israel had been a very sinful people, and therefore its present situation is but its well-deserved punishment at Yahweh's hands. Further indication of the post-exilic authorship of both these passages may be seen in the fact that the record of Israel's sin is here a confession of guilt by the people and not a denunciation thereof by the prophet, as was characteristic of pre-exilic prophecy. But all this is further and compelling evidence that Jer. 14.7-9, 19-21 cannot be from Jeremiah himself, must be an interpolation into their present setting, and must accordingly have been composed later than Ezekiel's formulation of the doctrine of "for His name's sake."



Israel, particularly that important section which was in exile, and reasoning from this circumstance in a manner altogether natural and logical for the nations at large, what must they think of Him and of His world-power? Must they not look upon Him as a deity altogether impotent? How can a god, who can not protect even his own little people and preserve them in their national existence in their own land and prosper them in their dealings with other nations, as any competent and self-respecting god should, how can such a god claim to be universal, and that his authority extends over nations other than his own, even over all the nations of the earth? Such a claim can have no substance, is preposterous, and could not but be rejected by those very nations by whom Yahweh desires most of all that this doctrine, with its consequences of recognition of and homage to Him, should be accepted unquestioningly.

Therefore, would Yahweh win their recognition and homage, one step is indispensable and imperative before all else. Even though Israel is still a faithless people, steeped in sin, and even though this fact is clearly known both to Him and to it, and even though it has not become regenerate in any way, nor in the slightest degree of its own accord merited forgiveness, none the less Yahweh must forgive it and restore it to its land and to national existence and take it again as His people and prosper it in the sight of all the nations, in order that their suspicions may be dispelled and they may come to realize that He is indeed a great and powerful deity, a world-god in every respect, that not only can He protect and prosper His own particular, little people, but likewise He can work judgments and execute punishments throughout the world, upon those nations which will not recognize Him and His power and dominion and will not do homage to Him and revere His holy name. For the sake of His name, for the sake of His reputation among the nations, He must act. He must of His own volition, as a manifestation of sheer grace, forgive Israel all its sins and take it again unto Himself as His people.

But since it is inconceivable that a God, just and pure, as Yahweh is, can associate Himself in permanent and benevolent relations with a people impure, faithless and sinful, a people

which, regardless of its manifold obligations to Him, stubbornly follows the evil inclinations of its heart, then, in addition to all else, Yahweh must Himself purify this people and Himself purge it of all further inclination to sin. He must remove the heart of stone from its bosom, that stony heart, cold, hard, insensible to all His innumerable beneficences, and put in its place a heart of flesh, a heart soft, warm, understanding, which responds eagerly and with abiding faith and answering love to all the manifestations of love, care and devotion which Yahweh, its own God, reveals unto it. Then and ever thereafter will Israel walk with Him in perfect accord, nor give further cause for divine wrath, punishment and expatriation. And then, in the sight of all the nations of the earth, Yahweh's holy name will be sanctified, and they will recognize His true power and authority and glory; then they too will praise His name and render homage unto Him and declare His greatness, His might, His justice and His goodness unto all men.

This is Ezekiel's doctrine of "for His name's sake." Manifestly it grew out of Jeremiah's doctrine of "the new covenant" and represented an advance beyond this, perhaps not altogether logical, convincing and satisfying, but a distinct advance none the less.

That this doctrine exerted a strong and penetrating influence upon the thought and theology of subsequent generations is evidenced convincingly by the numerous references to it throughout a large part of biblical literature. Thus Ps. 106.8, after recounting the sins of Israel in Egypt, declares:

But He saved them for His name's sake,  
In order to make known His might.

And Ps. 79.9-10 records the plea of the stricken nation:

Help us, O God of our salvation, out of consideration for  
Thy glory,<sup>106</sup>  
And deliver us and forgive our sins for Thy name's sake;  
Why should the nations say: Where is their God?

<sup>106</sup> Reading with Buhl כבוד שמך instead of כבוד שמו both for the sake of the meter and the desired parallelism with למען שמך.

Furthermore, Num. 14.15–19, a secondary passage, tells how Moses pleaded with the Deity on behalf of the sinful people:

If Thou dost let this people die completely, then the nations who have heard of Thy name<sup>107</sup> will say: Because Yahweh was not able to bring this people to the land which He swore unto them, He has slaughtered them in the wilderness . . . Forgive the sin of this people according to Thy great faithfulness<sup>108</sup>. . . And Yahweh said: According to thy word have I pardoned.<sup>109</sup>

Similarly Joel represents the priests as pleading:<sup>110</sup>

Show mercy, O Yahweh unto Thy people, nor let Thy land become a reproach, that nations should rule over them;  
Why should it be said among the peoples; Where is their God?

And Ps. 115.1 ff. argues:

Not unto us, O Yahweh, not unto us, but unto Thy name give<sup>111</sup> glory, because of Thy faithfulness<sup>108</sup> and Thy integrity.  
Why should the nations say: Where then is their God?  
But our God is in heaven; whatever He desires He does.  
The idols of the nations<sup>112</sup> are silver and gold, the work of human hands;  
They have a mouth, but they cannot speak; they have eyes, but they cannot see; etc.

And, somewhat closer to the specific thought of Ezekiel, Ps. 98.2–4 proclaims:

Yahweh hath made known His salvation; before the eyes of the nations hath He disclosed His justification.<sup>113</sup>

<sup>107</sup> Reading with *G* and *S* שמעך שטך for MT.

<sup>108</sup> Cf. Glueck, *Das Wort hesed im alttestamentlichen Sprachgebrauch* (BZAW, 47 [1927]), 35–67, and below, note 118.

<sup>109</sup> Cf. also Ex. 32.12.

<sup>110</sup> 2.17b.

<sup>111</sup> Some corruption lurks in נתן; perhaps it should be emended to נתנו or נתן.

<sup>112</sup> Reading with *G*, *V*, and *S* עזביהם עזבי הוים and thus restoring the meter.

<sup>113</sup> צדקתו, perhaps more precisely "the justification of Himself."

He hath remembered His faithfulness<sup>108</sup> to Jacob,<sup>114</sup> and  
 His promise to the house of Israel;  
 All the ends of the earth have beheld the salvation of  
 our God.  
 Shout unto Yahweh, all the earth; open your mouths and  
 cheer and sing.  
 Sing unto Yahweh with the harp, with the harp and the  
 voice of song;  
 With trumpets and the sound of the shofar blow blasts  
 before Yahweh, the King.

Similarly Ps. 66.1-4 charges:

Shout unto God all the earth.  
 Sing of His glorious name; chant<sup>115</sup> His glorious praise.  
 Say unto God: How wonderful are Thy works!  
 Because of Thy vast might Thine enemies pay flattering  
 homage unto Thee.  
 All the earth boweth down unto Thee and singeth unto  
 Thee; they sing of Thy name. Selah.

And in Solomon's prayer we read:<sup>116</sup>

Moreover, concerning the stranger, who is not of Thy  
 people, Israel, but who comes from a distant country  
 for the sake of Thy name; (for they will hear of Thy  
 great name and of Thy strong hand and Thine out-  
 stretched arm); and he comes and prays towards  
 this house, do Thou hearken (in heaven, Thy dwelling  
 place) and do according to all that for which the  
 stranger may call unto Thee, in order that all the  
 peoples of the earth may know (Thy great name, to  
 fear Thee as [does] Thy people, Israel, and to know)  
 that Thy name is called over this house which I  
 have built.

From these and numerous other passages<sup>117</sup> the implications  
 of Ezekiel's doctrine of "for His name's sake" are clear. On the  
 one hand, it implies Yahweh's forgiveness of the sins of His

<sup>114</sup> Supplying ליעקב with *G* and thus restoring the meter.

<sup>115</sup> Reading with Buhl שימו for שירו.

<sup>116</sup> 1 Ki. 8.41-43 (= 2 Chron. 6.32-33).

<sup>117</sup> Cf. Isa. 48.9-11 (see the commentaries to this passage and also below, note 122); Ps. 23.3; 25.11; 31.4; 109.21; 143.11, and other passages, where this doctrine or something closely related to it finds expression.

faithless people, not at all because of repentance or regeneration on their part or of any merit in them, but as a pure act of grace, and also, in a way, because of His faithfulness to the terms of the "new covenant" between Himself and Israel which Jeremiah had proclaimed.<sup>118</sup> This carries with it the corollary of the restoration of Israel to Yahweh's favor, and to its own land and to national existence and renewed relations with Yahweh as His people.

But on the other hand, it implies the convincing demonstration of Yahweh's power and authority to all the nations of the earth, with the resultant recognition of Him by them as the supreme world-God and world-Ruler, to whom their homage and praise are due. He is the universal King,<sup>119</sup> who judges all the world, even all the nations, in justice. To Him therefore all people must come, either singly or as nations, to render active homage unto Him, to worship Him, to sing His praise and to glorify and sanctify His name. Even though perhaps not fully realized by Ezekiel at the moment of its proclamation, all this is inherently implicit in his doctrine of "for His name's sake."

Returning now to Ps. 48, we can appreciate the full import of v. 11:

Even as Thy name, so also Thy praise  
(Doth reach) to the ends of the earth.

<sup>118</sup> Quite significantly in the biblical literature from the period following Jeremiah the older term for "covenant," ברית, is used less and less frequently to describe the Deity's present and future relationship with Israel, and its place is taken by חסד, usually translated by the conventional and banal term, "lovingkindness," but which really has much of the meaning of "a compact or covenant" which rests, not upon a reciprocal agreement or contract, as does ברית, but rather upon an act of grace on the part of the Deity, the faithful and unending observance of a promise made to Israel, without any specific obligation resting upon Israel in return, but animated only by the hope that the realization of the full import of this promise and of the faithfulness and integrity with which it is kept may prompt Israel to gratefully and gladly act towards Yahweh with worthy and commensurate loyalty and piety (cf. above, note 108). Manifestly this term, חסד, expresses the basic implications of the "new covenant" far better than the older term, ברית, could possibly do.

<sup>119</sup> Cf. Ps. 98.4, cited above, and below, pp. 38-47.

The v. affirms, much as does Ps. 98, that Yahweh's name is known and honored and His praises are sung by those nations which dwell at the farthest corners of the earth, those therefore most remote from Jerusalem. It implies therefore that the goal of Ezekiel's doctrine, viz. the recognition by all the nations of the earth of Yahweh's world-power and authority, and their consequent homage to Him and praise and sanctification of His name, has already been achieved. The entire Ps. implies likewise that Israel has been restored to national existence, to Yahweh's favor, and to happy relations with Him. In this respect too Ezekiel's doctrine has been fulfilled. This evidence by itself establishes that the Ps. must be later than Ezekiel; and even sufficiently later for the conviction to have become firmly rooted that that which Ezekiel had envisaged for the future, viz. the recognition by the nations of Yahweh as the world-God, had actually been realized.

## V

### YAHWEH AS THE UNIVERSAL KING

Other evidence enables us to fix the date of the Ps. even more precisely. As has been said, basic to Ezekiel's doctrine is the principle of universalism. Ezekiel conceives of Yahweh as the world-God, whose dominion therefore extends over all nations, and even, by implication at least,<sup>120</sup> over all the gods of these nations. The natural corollary of this concept is either that the gods of other nations have no real existence, are "no-gods," "nothings," as many writings of this period,<sup>121</sup> following Deutero-Isaiah,<sup>122</sup> maintain, or else that, granting their reality, they are

<sup>120</sup> For there is no clear indication that Ezekiel ever considered this particular implication of his doctrine thoroughly and formulated a definite opinion thereon.

<sup>121</sup> Cf. Isa. 40.18-20, 25; 44.9-20; 46.5-7; Deut. 32.17, 21; Jer. 8.19 (for the date of composition of this v. see below, note 126); 10.6-11; Ps. 97.7; 115.3-8; 135.15-18.

<sup>122</sup> The dependence of Deutero-Isaiah upon Ezekiel's doctrine of "for His name's sake" is readily apparent. 48.9-11 (whether in v. 11, with Duhm, Marti and Kent, we emend לַמַּעַן שְׁמִי לַמַּעַן שְׁמִי to לַמַּעַן שְׁמִי, as in v. 9, or not) is in the main a literal reaffirmation of Ezekiel's doctrine (שְׁמִי must, of course, with



all inferior to Yahweh. In either case He is the lord, ruler, king of the entire universe, and in the latter case He is in addition the lord or king of the gods themselves;<sup>123</sup> He is, in other words, the King *par excellence*, even as, as we have seen, Ps. 98.6, in its reaffirmation of Ezekiel's doctrine, calls Him.

The interesting and important theme of the role of Yahweh as King has been discussed frequently by outstanding biblical scholars. As has been shown convincingly by von Gall<sup>124</sup> and Eissfeldt,<sup>125</sup> Isa. 6.5 and Jer. 8.19 are the only passages of unquestionably pre-exilic composition<sup>126</sup> which speak of Yahweh by the title, King. Von Gall contends that the implication of this title in Isa. 6.5 is not at all that He is king of the universe and of all the nations, for such a far-reaching doctrine of universalism was never conceived nor expressed by Isaiah. Rather

most commentators either be understood or, with Torrey, as the meter actually demands, be supplied, as the subject of ייח). 40.1-2 declares that the moment for Yahweh's forgiveness of Israel and restoration of it to its land and to happy relations with Himself has now come, and this all the more so since by this time Israel has suffered twofold for all its iniquities (something of Jeremiah's doctrine is obviously likewise implied here). But, the prophet goes on to proclaim, this restoration of Israel and forgiveness of its sins is but the preliminary step on Yahweh's part to the fulfillment of His far larger world-purpose (43.25), viz. His redemption of all the nations and the bringing of them to reject their false, unreal gods and acknowledge Him as the sole god of the universe and render homage unto Him and live the life He has intended for all His creatures. This is the basic and constant theme of Deutero-Isaiah's message. Its direct dependence upon Ezekiel's doctrine is self-evident.

<sup>123</sup> Cf. the role of Yahweh as the supreme deity in the council of the gods, as outlined in "The Mythological Background of Psalm 82," *HUCA*, XIV (1939), 40-70; cf. also Ps. 89.6-9; 95.3; 97.7-9.

<sup>124</sup> "Ueber die Herkunft der Bezeichnung Jahwes als König," *Wellhausen Festschrift*, 145-160.

<sup>125</sup> "Jahwe als König," *ZAW*, 5 (n. F.) (1928), 81-105.

<sup>126</sup> And I am inclined to suspect that even Jer. 8.19 is an interpolation into its present setting, and is therefore not from Jeremiah himself, but is rather of post-exilic composition. Certainly vv. 20-23 can follow directly and with perfect smoothness of thought and diction upon v. 18, in fact with perhaps greater unity and directness of thought than with the retention of v. 19. And were v. 19 not in its present position it would not be missed in the least. The dominant thought of the v. is that characteristic of the period following Deutero-Isaiah; cf. above, note 121.

the implication of this term in Isa. 6.5, just as in Jer. 8.19 and in other manifestly post-exilic writings,<sup>127</sup> is that Yahweh is primarily the king of Zion, of the holy mountain and of the sanctuary upon it; and this title He enjoys because, in the inevitable process of religious syncretism, He has inherited this title from the pre-Israelite deity of Jerusalem, Şedek, or however he may have been called. This hypothesis may have some measure of validity, even though it presumes a much more extensive knowledge of the pre-Israelite, Canaanite cult of Şedek in Jerusalem than we actually possess.

Far more probable, however, is the theory that the concept of Yahweh as King was one of the very earliest products of Phoenician cultural influence upon Israel, beginning already in the latter portion of the reign of David and reaching a culminating point in the erection of the Temple in the reign of Solomon. From this moment on, at least in the official cult of the Temple, if not in the religious belief and practice of the people at large, Yahweh was conceived as the divine King who, upon each recurring New Year's Day, entered the Temple, attended by all His divine host, minor deities and angelic beings, seated Himself upon His throne and pronounced judgment upon and determined the destinies of His own and of the immediately neighboring peoples and, no doubt, of their deities also, for the year just beginning. He was conceived of, not primarily as the universal King, although something of this concept was latent in the general belief, but rather as the king of the gods, the supreme one, the ruler of the host of heaven. From the moment of the erection of Solomon's Temple this concept of Yahweh as the divine king took firm root in the religious consciousness, belief and practice of Israel, of both the Southern and the Northern Kingdoms, and seemingly more firmly in the Jerusalem Temple than anywhere or in any sanctuary of the Northern Kingdom, and persisted steadily, despite intense opposition to it on the part of the prophets of the ninth century B.C. and their supporters, and gradually evolved into the positive picture of Yahweh as the divine King which we find portrayed so graphically

<sup>127</sup> Ex. 15.17-18; Isa. 24.23; Mic. 4.7, *et al.*

in Isa. 6 and in subsequent biblical and post-biblical literature.<sup>128</sup> But in all this there is not the slightest implication that Yahweh was conceived of as Israel's actual king, in a literal sense, before the formulation and official promulgation of the doctrine of the theocracy at the dedication of the second Temple in 516 B.C.

And actually a moment's thought should show that it could not well have been otherwise, that it is almost inconceivable that during the period of the actual monarchy, i. e. during the entire pre-exilic period, Yahweh should have been regarded as the King of even Israel alone, much less King of the universe. For during this entire period this title, King of Israel or King of Judah, was borne only by the earthly, human king himself. And while it is true that he seems to have been regarded as the earthly surrogate of Yahweh as well as the chief ecclesiastic functionary of the nation,<sup>129</sup> and even perhaps to have been thought to himself be endowed with certain attributes of divinity, none the less it does not follow at all that, alongside of the human king, Yahweh too might have borne this title and have been conceived of as the true, supreme King of Israel. On the contrary, during this entire period Yahweh bore an even higher title, that of God of Israel; but in no way did He share with the earthly king that decidedly lesser title and dignity.

It was not until the post-exilic period, and more precisely not until after the crushing of the rebellion of Zerubabel and the nipping in the bud of this unfortunate attempt to restore a Davidic king to the throne of Judah, and the subsequent reorganization of the people of Judah, by the Persians and by their Judaeans supporters, as a theocracy instead of as a nation, and with the chief priest of the new Temple at Jerusalem, rebuilt with Persian permission and assistance as a vital element in this reorganization scheme, supplanting the king as the recognized earthly head of the people and inducted into his sacred

<sup>128</sup> Accordingly what stood originally in the *debir* of Solomon's Temple in Jerusalem was in all likelihood a golden image of Yahweh, sitting enthroned as a king; cf. "Amos Studies, III," *HUCA*, XV (1940), 100-134; also "The Mythological Background of Ps. 82," 59 ff.

<sup>129</sup> Cf. "A Chapter in the History of the High-Priesthood," *AJSL*, LV (1938), 5-12, 21-24; cf. also Lods, *Israel*, index, under "King, divine."

office by the same rite of anointing by which the king in pre-exilic times had been consecrated and installed, and therefore known henceforth as "the anointed priest,"<sup>130</sup> that the accompanying concept evolved that, not a human ruler, but Yahweh was the King of Israel.<sup>131</sup> Precisely this was the implication of the reorganization of the little people as a theocracy. Yahweh Himself was its true King, the new Temple was the seat of His royal authority, and the "anointed priest" therein was now His earthly representative, perhaps even His earthly surrogate.

But from this it was a not far distant step to the still larger concept, implicit in Ezekiel's doctrine, of Yahweh as universal King, King of all gods<sup>132</sup> and King of all nations.<sup>133</sup> To Him therefore, as universal King, enthroned on Zion, it was fitting indeed that both gods and nations come and prostrate themselves and render homage.<sup>134</sup> In the period following immediately upon the restoration of the Temple,<sup>135</sup> the ideas and principles inherent in this doctrine, as first formulated by Ezekiel and as subsequently expanded by Deutero-Isaiah, were in the main quite realistic. At the very most there was only a modicum of an incipient eschatological thought and theology implicit in them.

<sup>130</sup> *Ibid.*, 183-192.

<sup>131</sup> Isa. 41.21; 43.15; 44.6; Mic. 2.13; 4.7; Zeph. 3.15. Jud. 8.22-23; 1 Sam 8 and 12, all representing Yahweh as alone Israel's true king, and the desire of the people for a human king to rule over them consequently as tantamount to rebellion against Yahweh, are post-exilic passages coming from either very soon before or very soon after the great catastrophe which befell the nation in 485 B.C. They reflect the reaction of a certain important section of the people to the then projected restoration of the Davidic kingship in the person of a certain Menahem. The evidence for this will be presented in a subsequent study.

<sup>132</sup> Cf. the term, יהוה צבאות, Jer. 46.18; 48.15; 51.57, all admittedly post-exilic passages; also Ps. 95.3; 96.4, 10; 97.9 and *passim*.

<sup>133</sup> Cf. Jer. 10.6-10, and note in vv. 6-7 especially the reflection of Ezekiel's doctrine.

<sup>134</sup> Jer. 3.17 (a post-exilic passage); Ps. 22.28-29; 47; 86.8-10 (an interpolation into the present Ps. from an older source); 96.7-10; 98.3-6; 100; 102.16, 22-23; 103.19-22; cf. also Rev. 15.4.

<sup>135</sup> I. e. the period, 516-485 B.C. Just why I terminate this period in 485 B.C. will be established fully in the study referred to in note 131. All the post-exilic passages cited thus far must obviously be assigned to this brief but exceedingly important and literarily productive period.

It was a period in which a universalistic outlook upon life and a confident hope for the unification and salvation of all mankind were dominant and immediate. It was an age in which new religious systems were being formulated<sup>136</sup> and a larger religious vision and promise were asserting themselves in widely separated parts of the earth. Mankind was drawing together to a degree perhaps never surpassed in all human history.

In Judaism in particular this trend was positive and active. It was a period of actual and apparently quite extensive proselytism to Judaism. Deutero-Isaiah's message of universalism, of the bringing of all mankind to the knowledge and worship of Yahweh and to the living of the life ordained by Him for all men, was finding realization in two directions, the one somewhat theoretical, the other realistic and actual. Zechariah had announced,<sup>137</sup> in his enthusiasm over the prospect of the rebuilding of the Temple,<sup>138</sup> that this happy moment would inaugurate a period of widespread conversion to the cult of Yahweh, and this both on the part of entire nations, peoples and communities and also on the part of single individuals. That this was no vain dream but was actually realized in significant measure is convincingly attested by Isa. 56.1-7, a prophecy uttered some years later when, under the influence of a resurgent nationalism, beginning shortly after 500 B.C., the tide began to turn away from a thoroughgoing universalism, with its corollary of active proselytism, and the proselyte began to be regarded with antipathy and distrust. Then it was that the anonymous prophet bravely championed the now unpopular cause of the disfranchised proselyte to Judaism and declared it to be Yahweh's will that His house should continue to be called a house of prayer for all the peoples of the earth.<sup>139</sup> But this establishes convincingly that

<sup>136</sup> Zoroastrianism, Buddhism, Confucianism and Pythagoreanism.

<sup>137</sup> 8.20-23.

<sup>138</sup> Or perhaps, and not at all improbably, at the very dedication of the second Temple on the New Year's Day, 516 B.C. (cf. "A Chapter in the History of the High-Priesthood," 183-193), which he himself undoubtedly witnessed.

<sup>139</sup> Using this full term in order to bring out the true implication of the article in העמים.



the proselyting movement in Judaism must have been until this moment sufficiently active and extensive to have created a vital issue in the religious life and practice of the Jewish people.<sup>140</sup>

And in another direction as well this trend toward universalism in Judaism manifested itself, in the quite natural identification of Yahweh with the gods of other nations, in the endeavor to represent Him as, not so much the ruler or king of all the gods, but rather as the equation or summation of all the gods of all the other nations. This idea is expressed clearly in Mal. 1.11 and 14b, a prophetic utterance coming undoubtedly from the period between 500 and 490 B.C.:<sup>141</sup>

<sup>140</sup> Deut. 23.2, a piece of post-exilic legislation, may very well be the basis of the anti-proselyte movement against which the anonymous prophet protests. Vv. 3-4 would likewise be the product of the period following immediately upon the great national catastrophe in 485 B.C. at the hands of the little, neighboring states, and would be directed specifically against the Philistines (for מִסּוּר as a designation of the Philistines, and especially the inhabitants of Ashdod, with whom apparently during this and the immediately subsequent period there was extensive intermarriage, cf. Zech. 9.6; Neh. 13.23-25), Ammonites and Moabites (cf. Lam. 1.10b), and would prohibit absolutely all proselyting from among them. Undoubtedly Edom too, which seemingly had taken the lead in the coalition of the neighboring states against Judah in 485 B.C., was originally included in this list of prohibited nations. Vv. 8-9 represent then a concession, coming from the period about 400 B.C. or slightly later, on the one hand, to the Edomites, who had by that time, due to the steadily growing Nabataean pressure upon them in their native land, come to settle extensively in Southern Judaea (cf. Glueck, "The Boundaries of Edom," *HUCA*, XI [1936], 153-157), and no doubt to intermarry with the native Jewish population of that district and accept Judaism, and, on the other hand, to the Jews of Egypt (cf. "Supplementary Studies in the Calendars of Ancient Egypt," *HUCA*, X [1935], 129, note 211), among whom intermarriage with native Egyptians was a common practice. This marks the beginning of the reaction away from the extreme nationalism, separatism and particularism, which characterized the second half of the fifth century B.C., in the direction of that nascent and qualified universalism which we find expressed here and there in the Priestly Code (cf. Gen. 1.1-2.4; 9.1-17; Ex. 19.6a).

<sup>141</sup> Von Bulmerincq (*Der Prophet Maleachi*, I, 126-132) assigns this passage to the period, 480-475 B.C.; but for cogent reasons, which likewise will be set forth in the study referred to in notes 131 and 135, I must assign it to a period some fifteen to twenty years earlier.



For from the rising of the sun unto its going down My  
name is great among the nations;  
And in every sanctuary<sup>142</sup> incense is burned to My name<sup>143</sup>  
and a pure sacrifice is offered.

. . . . .

For a great King am I, saith Yahweh Šebaot, and awe-  
inspiring is My name among the nations.

In these and the intervening vv. we see, first of all, once again the expression of Ezekiel's doctrine of "for His name's sake" in its reciprocal aspects of the desecration as well as of the glorification of Yahweh's name, and this both in Israel itself and also among the nations. And here, very significantly, it is the nations far and wide which sanctify Yahweh's name, while it is sinful and unregenerate Israel which, by its wilful conduct, persists in desecrating it. Obviously to the prophetic author of this passage it must have seemed that in its ultimate goal Ezekiel's doctrine had found complete fulfillment, even though in the accompanying process, the supplanting by Yahweh of Israel's heart of stone by a heart of flesh and its resultant regeneration, comparatively little progress had been achieved.

But even more significant is the representation of Yahweh here as the universal King. The passage says unmistakably that wherever incense is burned and sacrifice is offered, in any sanctuary in the midst of any nation throughout the entire earth, regardless of the name and concept of the particular deity of that sanctuary, to whom his devotees may fondly believe they are offering their homage, actually that deity is identical with or is contained in Yahweh; therefore this worship and this homage are in reality being offered unto Yahweh;<sup>144</sup> and thus His universal godhead and kingship are being acknowledged by all

<sup>142</sup> מקום.

<sup>143</sup> Reading, with the majority of the commentators, ובכל מקום מקטר לשמי, and thus restoring both the obvious meaning and the metrical form of the distich.

<sup>144</sup> Similarly Eissfeldt (*Baal Zaphon, Zeus Kasios und der Durchzug der Israeliten durchs Meer*, 12 f.) interprets Ps. 89.13 to mean that the gods of Šafon (Mt. Casios), Amanus (reading אַמְנָה [cf. Cant. 4.8] for ימין of MT), Tabor and Hermon, four mountains whose sanctity, as seats of important deities, was of great antiquity, are equated or identified with Yahweh. This Ps. too,

the nations of the earth. This is perhaps the most extreme concept of universalism to find expression in this period of rampant universalism. It must have been uttered by the prophet in one of his earliest, quite probably even his very first, prophetic message; for there is good reason to believe that the prophet himself later, under the influence of the resurgent nationalism which began to express itself in Judah about 490 B.C.,<sup>145</sup> gradually reverted from this extreme and all-inclusive theory of universalism to one much more moderate and tempered by a very natural and pervasive nationalism.<sup>146</sup> Malachi's concept of Yahweh as the universal King, who is worshiped in one form or another and under one name or another by all the nations of the earth, is manifestly a logical, even though an extreme, and certainly an unforeseen, development out of Ezekiel's doctrine of "for His name's sake."

Very significantly Malachi represents Yahweh as proclaiming that He is a great King, with implications of universalism inherent in this exalted title. But this title, מלך גור, is almost identical with the title, מלך רב, which Ps. 48.3 applies to Yahweh. Certainly with this specific designation of Yahweh as King, this Ps. can not under any circumstance be of pre-exilic composition.<sup>147</sup>

or at least this section of it (vv. 2-3, 6-19), is unquestionably the product of the same period as Ps. 48A (notice that Ps. 89.19 likewise applies to Yahweh the title, King). A development markedly similar in character, which identified the main Canaanite deities with those of Egypt, seems to have taken place in Egypt some eight hundred years earlier and to have marked the climax of the trend towards universalism during the period of the Eighteenth Dynasty (cf. Albright, *From the Stone Age to Christianity*, 169 f.).

<sup>145</sup> As one of the immediate effects of the Battle of Marathon and of the convincing demonstration which this battle gave that the great Persian Empire was by no means invincible, and that even a little, numerically almost insignificant people, such as the Athenians, or even the Jews, could hope to defy and contend with it successfully and ultimately regain independence.

<sup>146</sup> The evidence for this assertion must likewise await a more favorable opportunity for presentation, since beyond this point it is not vital for our consideration of Ps. 48.

<sup>147</sup> So also Eissfeldt, "Jahwe als König," *ZAW*, 5 (n. F.) (1928), 104; Oesterley, *The Psalms*, I, 53 f. (Oesterley would even assign all the Psalms [cf. p. 44 ff.] which represent Yahweh as King to a period as late as circa 300 B.C., but upon grounds not at all convincing.)

And inasmuch as we have already had cumulative evidence that the Ps. must be later than Ezekiel, what conclusion can be more natural and logical than to regard it as contemporaneous with this earliest utterance of Malachi and assign it to the period 500–490 B.C.?

## VI

## ŞAFON

And still one other consideration, vital to the complete and correct interpretation of the Ps., confirms this conclusion. This same v. 3 describes the Temple mount in these significant words:

Of majestic elevation is His holy mount,  
Joy of the entire earth;  
Mount Zion is *yark<sup>e</sup>te Şafon*,  
Citadel of the mighty King.

Manifestly the concept basic to this v. is that the Temple Mount is the highest mountain of the world, and upon it is the earthly throne of Yahweh. This concept of the exaltation of Mount Zion, with its implied corollary, that it is thus the center or navel of the earth, finds expression in quite a number of biblical passages and plays a role of much more than passing significance in extra-biblical and related literature.<sup>148</sup> 1 Ki. 9.8 (= 2 Chron. 7.21) speaks of the sanctuary upon the Temple mount as *עֵלְיוֹן*,<sup>149</sup> i. e. of supreme height; and similarly Ezek. 40.2 says that this mountain was very high, while 43.12 provides that the new Temple is to be built upon its summit, with the territory immediately surrounding of most sacred and inviolable character. Ps. 78.69 records that Yahweh had built His sanctuary upon a place of

<sup>148</sup> Cf. Wensinck, *The Ideas of the Western Semites concerning the Navel of the Earth*, and the passages, biblical and post-biblical, cited by him; also 1 Enoch 26.1 and Charles' note thereto; likewise Burch, *Anthropology and the Apocalypse*, 130, 147 ff., 160, 203.

<sup>149</sup> So also apparently Ps. 87.5. Ps. 68.30 too seems to mean that the sanctuary upon the Temple Mount was at an elevation higher than that of Jerusalem.

lofty elevation.<sup>150</sup> The most graphic representation of this concept is that in the oft-cited passage, Mic. 4.1–4.<sup>151</sup>

And upon the very last day it shall be that  
 The mountain of Yahweh's house will be established as  
 the topmost of the mountains  
 And exalted above the hills; and peoples will stream  
 unto it;  
 And many nations will go and say: Come and let us go  
 up to the mountain of Yahweh, even unto the house of  
 the God of Jacob,<sup>152</sup>  
 That He may teach us of His ways and we may walk in  
 His paths;  
 For from Zion will revelation go forth, even the word of  
 Yahweh from Jerusalem.  
 And He will judge between many peoples, and will rebuke  
 mighty nations (who dwell) afar off,  
 So that they will beat their swords into plowshares and  
 their spears into pruning-hooks;  
 Nation will not take up sword against nation, nor will  
 they learn war any more,<sup>153</sup>

<sup>150</sup> Following a hint of *S* and reading במרום instead of כמורמים of *MT* (assuming that the final ם of רמים is the result of dittography) and בארץ for כארץ; cf. also Ezek. 20.40.

<sup>151</sup> With the first half of which Isa. 2.2–4 is identical, and upon which Joel 4.10 is manifestly dependent. It is obvious that biblical passages such as these, which envisage the ultimate salvation of all nations and peoples, i. e. of all mankind, quite in the spirit of Deutero-Isaiah, and their own spontaneous seeking Yahweh out and adopting His way of life (cf. Zech. 8.20–23), must be ascribed to the period of dominant universalism, 516–485 B.C., and more particularly to the first half of this period. The steadily recrudescing nationalism of the period beginning shortly after 500 B.C. and culminating in the second attempt to regain national independence and to restore the Davidic kingdom in 485 B.C. (the evidence of which I hope to present later, cf. note 131), and the unfortunate outcome of this rebellion and the quite natural separatistic and particularistic reaction of Palestine Jewry thereto in the years which followed, forbid the assignment of all such passages as these to any other period in Israel's history, either earlier or later.

<sup>152</sup> Zech. 8.20–22 illustrates concretely precisely what this expectation was.

<sup>153</sup> With this motif of Yahweh making all war to cease cf. Ps. 46.10 (not at all improbably the background of vv. 7, 9–10 was furnished by the military activities of Cyrus, Cambyses and Darius I). As v. 11 indicates, this Ps. too can come only from the period of dominant universalism, i. e. *circa* 500 B.C. (cf. also Zech. 9.10; Jubilees 8; 1 Enoch 26.1; Sybilline Oracles III, 755–757,

But they will dwell, each man under his own vine and  
under his own fig-tree, with none to make them afraid;  
For the mouth of Yahweh Šebaot hath ordained.

The passage is, of course, eschatological. It too envisages the Temple mount, despite its actually comparatively humble elevation, as the highest mountain of the world; but this it will become only through the fulfillment of divine purpose upon the very last day,<sup>154</sup> the Day of Yahweh, the day of Yahweh's judgment of the nations, the day of the final salvation of mankind and of their return to Yahweh, when all men will at last begin to conform to His revelation, to walk in His paths and to live the life of peace and brotherhood which He has ordained for all His children.<sup>155</sup>

Precisely what is meant by the exaltation of Mt. Zion as the highest of the mountains, whether it be, as here, as an eschatological circumstance, or as, as apparently in the other passages which we have cited, a present reality in the minds of their respective authors, is made clear by two passages in 1 Enoch, in that section of the book<sup>156</sup> which recounts the journeys of Enoch, under angelic guidance, through the earth and Sheol.

18.6-14 reads thus: And I proceeded and saw a place which burns day and night, where there are seven mountains of magnificent stones, three towards the east, and three towards the south. And as for those towards the east, one was of coloured stone, and one of pearl, and one of jacinth, and those towards the south of red stone. But the middle one reached to heaven like the throne of God, of alabaster, and the summit of the throne was of sapphire. And I saw a flaming fire. And beyond

780-781; V, 253-255 for expressions of this persistent hope of the end of all warfare and resultant universal peace).

<sup>154</sup> So also Rev. 21.10. This elevation of the Temple Mount upon the last day was no doubt expected to be one of the effects of the great earthquake, one of the traditional attendant phenomena of the day; cf. Zech. 14.4-10, (perhaps also Ps. 46.3-4); 4 Ezra 6.14-16; 13.6, 36, and below, note 227, and also "Amos Studies II."

<sup>155</sup> In other words, the fulfillment of Deutero-Isaiah's scheme of universal salvation.

<sup>156</sup> According to Charles (*Apocrypha and Pseudepigrapha of the Old Testament*, II, 170) a part of one of the oldest strata of 1 Enoch, antedating 170 B.C.

these mountains is a region the end of the great earth: there the heavens were completed. And I saw a deep abyss . . . . . And beyond that abyss I saw a place which had no firmament of the heaven above, and no firmly founded earth beneath it . . . . The angel said: 'This place is the end of heaven and earth.'<sup>157</sup>

24.2–25.5 gives an even more explicit account of what is undoubtedly the same range of mountains<sup>158</sup> and the adjacent localities, even though this identity is not specifically stated: And I went beyond it and saw seven magnificent mountains all differing each from the other, and the stones (thereof) were magnificent and beautiful, magnificent as a whole, of glorious appearance<sup>159</sup> and fair exterior: three towards the east, one founded on the other, and three towards the south, one upon the other, and deep, rough ravines, no one of which joined with any other. And the seventh mountain was in the midst of these, and it excelled them in height, resembling the seat of a throne: and fragrant trees encircled the throne. And amongst them was a tree such as I had never yet smelt, neither was any amongst them nor were others like it: it had a fragrance beyond all fragrance, and its leaves and blooms and wood wither not for ever: and its fruit is beautiful, and its fruit resembles the dates of a palm. Then I said: 'How beautiful is this tree, and fragrant, and its leaves are fair, and its blooms very delightful in appearance.' Then answered Michael, one of the holy and honoured angels who was with me, and was their leader.

And he said unto me: 'Enoch, why dost thou ask me regarding the fragrance of the tree, and why dost thou wish to learn the truth?' Then I answered him saying: 'I wish to know about

<sup>157</sup> The translation is that of Charles, *op. cit.*

<sup>158</sup> 1 Enoch 77.4 likewise speaks of seven mountains higher than all the mountains of the earth; but even though also located in the far north, this seems to be a somewhat different group of mountains, although there is some apparent confusion of the two groups of mountains, quite as if this second group were an eastern projection of the first group, still lying, however, upon the northern edge of the earth.

<sup>159</sup> The words describing these mountains, "of glorious appearance," should probably be rendered more exactly, "of radiant appearance," implying a Hebrew original מראה כבוד or even מראה נה, corresponding to מראה הנה סביב of Ezek. 1.28.



everything, but especially about this tree.' And he answered saying: 'This high mountain which thou hast seen, whose summit is like the throne of God, is His throne, where the Holy Great One, the Lord of Glory,<sup>160</sup> the Eternal King, will sit, when He shall come down to visit the earth with goodness. And as for this fragrant tree no mortal is permitted to touch it till the great judgement, when He shall take vengeance on all and bring (everything) to its consummation for ever. It shall then be given to the righteous and holy. Its fruit shall be for food to the elect: it shall be transplanted to the holy place, to the temple of the Lord, the Eternal King.

Then shall they rejoice with joy and be glad,  
And into the holy place shall they enter;  
And its fragrance shall be in their bones,  
And they shall live a long life on earth,  
Such as their fathers lived:<sup>161</sup>  
And in their days shall no sorrow or plague  
Or torment or calamity touch them.'

These two passages tell of a range or complex of seven mountains set in the form of a right angle. The highest mountain of the complex forms the apex of the angle. From this

<sup>160</sup> I. e. ארון הכבוד. This entire title of the Deity probably reflects an original Hebrew הקדוש הנורא ארון הכבוד מלך עולם. It is obviously an expression liturgical in character, and probably evidences the influence of the developing Jewish liturgy of the fourth, third and second centuries B.C. (Cf. Kohler, *The Origins of Synagogue and Church*). With the title, מלך עולם, "Eternal King," for the Deity, cf. Jer. 10.10; Ps. 10.16; 29.10 (also Ex. 15.18; Ps. 146.10; Prov. 29.14; all these passages come from the post-exilic period), and particularly Mal. 1.14 and v. 3 of our Ps.

<sup>161</sup> The reference is, of course, to the ages of the antediluvian heroes, recorded in Gen. 5 (P), where apparently a thousand years constituted the normally perfect and ideal life-span. The specific implication here is that, dwelling in the Temple courts and partaking of the fruit of the tree of life, these righteous too will live for approximately one thousand years, while the general implication is that for them the golden age of existence will be restored, just as the Deity had at creation intended it to be for men, and as, according to P, speaking broadly, it actually was, until the growing sinfulness of mankind brought about a steady diminution of the human life-span and eventually necessitated the flood (cf. Gunkel, *Genesis*<sup>2</sup>, 117 f.; also 2 Baruch 73-74; Sybilline Oracles III, 741-795).

apex three mountains, each of steadily descending height, and each separated from its neighbors by a deep ravine, stretch off towards the east, and correspondingly three other mountains stretch off to the south. These mountains stand at the precise spot where both earth and heaven end. Beyond them is the fiery abyss, in which the rebellious angels are imprisoned awaiting their eventual judgment and doom.<sup>162</sup> This is obviously the *bor*, "the pit," as it is usually translated, referred to quite frequently in biblical writings.<sup>163</sup> Beyond the abyss is a waste and

<sup>162</sup> Cf. "The Mythological Background of Psalm 82," 76 ff. In rabbinic tradition Hell lay originally beyond the mountains of darkness (i. e. the mountains to the far north, whence darkness comes; cf. 1 Enoch 77.3, and above, note 158). Hell and Paradise were adjacent to each other, so that one could look from the one place to the other (cf. Ginzberg, *Legends of the Jews*, V, 19, note 55). On the last day both Paradise and Hell, still in immediate contiguity, are destined to be transferred to Jerusalem, the former to the Temple Mount and the latter to the immediately adjacent Valley of Hinnom (*op. cit.*, 117, note 109; cf. below, note 227).

<sup>163</sup> In Isa. 14.15; 38.18; Ezek. 31.16; Ps. 30.4; Prov. 1.12 *bor*, the pit or abyss, is equated with Sheol. In Isa. 24.22 it is the place of detention, not only of the "kings of the earth," but also of the rebellious members of the "host of heaven," awaiting their ultimate doom, precisely as in the pseudepigraphic literature (cf. "The Mythological Background of Psalm 82," 100, 109, note 143, 125 f.). In Ezek. 26.20; 31.14, 16; 32.18, 23, 24, 25, 29, 30; Ps. 28.1; 88.5; 143.7; Lam. 3.55 it is the abode of the dead, and in this respect is again identical with Sheol. According to Ezek. 31.16 (reading תחתית as elsewhere); 32.18; Ps. 88.7; Lam. 3.55 there are various levels or stages within the abyss, while, according to Ezek. 32.23, it has its deep recesses (*yarkete bor*; cf. the determination of the meaning of *yarkete Şafon*, below, note 220), where apparently the graves of arch-offenders are located. Ps. 88.7 pictures it as the place of darkness. In all these respects it is identical with Sheol (cf. Deut. 32.22; Isa. 38.10; Ps. 86.13; Prov. 9.18).

All these passages without exception come from post-exilic writings. Apparently the term, *bor*, in the specific, mythological sense, the pit or abyss, and apparently too the concept itself, were unknown in the pre-exilic period. The concept seems to have entered into the thought of Judaism either in the early post-exilic period or, at the very earliest, during the exile, and, of course, from some foreign source. That source could have been only North Semitic mythology, transmitted to Israel through Phoenician mediation.

The passages cited above show that the pit or abyss was speedily identified with Sheol, already recognized as the realm of the dead in pre-exilic times, and so was located beneath, rather than at the ends of, the earth, and was regarded as a place of intense darkness. But apparently too the persistent

horrible region, with neither heaven above nor earth beneath, nor water upon it nor birds,<sup>164</sup> manifestly the *tohu wabohu* or the

influence of the North Semitic mythological tradition gradually recast the composite concept of Sheol-Bor, until finally, at some time within the fourth century B.C., the location of Sheol-Bor was shifted from its original position beneath the earth, to the place which the pit or abyss occupied in the old North Semitic mythology, at, or rather, just beyond, the northern edge of the earth, and became now, not so much the realm of the dead, as rather the place where the rebellious angels, and ultimately also the souls of the dead, are detained, awaiting the final judgment of God upon them upon the last day, whether for eternal reward or eternal punishment (cf. Dan. 12.2). As such too Sheol-Bor at the edge of the earth became a place of flame and smoke rather than of sheer darkness, as Sheol had been originally.

Quite naturally the fusion of two such concepts as Sheol and Bor, originally closely similar in some respects but likewise diametrically antithetical in other respects, led to not a little confusion of ideas. Nor could the new concept of Sheol-Bor at the end of the earth, and as a place of fire and of detention of the rebellious angels, completely supplant the older concept of Sheol as the realm of the dead, the place of deepest darkness immediately beneath the earth, where the dead repose in a shadow-like existence, the natural sequel to life upon earth, and with no consideration of reward and punishment. The older concept persisted alongside of the later, and crops up not infrequently in very late biblical and post-biblical writings, as, for example, as we have just seen, in Dan. 12.2.

None the less it was the younger, composite concept which became dominant in eschatological thought and speculation. A fairly early and clear expression of it is to be found in Isa. 24.21-22. Quite naturally it expanded in various directions. Ps. 88.12; Prov. 15.11; 27.20; Job 26.6; 28.22; 31.12 record a new, and obviously a symbolical, name for Bor, viz. Abaddon. According to Rev. 9.1-3, 11 Abaddon is the name of the angelic ruler of the abyss. Rev. 11.7; 17.8 picture the beast coming up from out the abyss, and Rev. 20.1-3 represents the abyss as the place of imprisonment for one thousand years, the period of waiting for final divine judgment and punishment, of the old serpent, who is the Devil and Satan. This is manifestly the same concept of Bor as in Isa. 24.21-22. But equally manifestly, we are dealing here once again with figures and concepts borrowed largely from and constantly shaped by the steadily persisting influence of ancient North Semitic mythology (cf. Burch, *Anthropology and the Apocalypse*, especially pp. 144 ff.).

<sup>164</sup> This seems to be the picture of the cosmos basic to Job. 28.20-28. The place of wisdom is so remote that it is (a) beyond the uttermost limits of the habitable earth, for no living creature, which lives on earth, nor bird of heaven, which dwells in heaven, just above the earth, and which, just as here in 1 Enoch 18.12, may not fly beyond the boundaries of heaven and earth, have ever beheld it, while (b) Abaddon (cf. the preceding note) and Death

*ṭhom* of Gen. 1.2, as these were after the separation of heaven and earth from them at creation.

As Charles has shown, this complex of seven mountains, forming a right angle, with one line of mountains extending eastward and the other line southward, must constitute the northwestern corner of the earth; or, perhaps stated more precisely, since not only earth, but heaven also end just here, the northwestern corner of earth and heaven together, of the universe, as we may say. But this, in turn, carries with it a significant implication, viz. that both earth and heaven are pictured as lying the one just above, or just beneath, the other and each having the shape of a square or rectangle, more probably the former, with the four sides of each oriented precisely to the four cardinal points of the compass.<sup>165</sup> It is precisely the same concept which we find set forth in biblical writings again and again.<sup>166</sup>

(Mawet or Mot, the ruler of Sheol or the abyss; Isa. 28.15, 18; 38.18; Ps. 18.5-6 [= 2 Sam. 22.5-6]; Prov. 5.5; Cant. 8.6) have heard only a faint rumor of it. In other words, the place of wisdom lies not only beyond the confines of the habitable world, but even far beyond the ends of Sheol-Bor, (c) so far in fact beyond these bounds that God, who can see to the very ends of the earth (here used obviously, for want of a better term, in the very broadest sense, to include the habitable earth, the abyss and all that lies beyond this) and can peer under all the heavens (i. e. the seven heavens of apocalyptic tradition), alone knows the way thither.

<sup>165</sup> For the eastern, northern and southern ends or sides of the earth cf. 1 Enoch 33-36.

<sup>166</sup> The end or ends of the earth are referred to in the following passages; Deut. 4.32; 13.8; 28.64; Isa. 5.26; 26.15; 40.28; 41.5; 42.10; 43.6; 48.20; 49.6; 62.11; Jer. 10.13; 12.12; 25.31, 33; 51.16; Ps. 46.10; 48.11; 61.3; 65.6, 9; 135.7; Prov. 17.24; Job 28.24. Job 37.3; 38.13 speak of the corners of the earth, while Isa. 11.12 and Ezek. 7.2 speak more specifically of the four corners of the earth. Num. 22.41; Deut. 4.32; 30.4; Isa. 13.5; Ps. 19.7; Neh. 1.9 make reference to the ends of heaven, and Jer. 49.36 refers specifically to the four ends of heaven, whence come the four winds. Ps. 19.5 speaks of the "end of the universe" (*k̄še tebel*). *Tebel* in all likelihood connotes heaven and earth together, the two habitable spheres of the cosmos, conceived as a unit (so also 1 Sam. 2.8, where *tebel*, i. e. heaven and earth together, is set upon the pillars of the earth, located presumably at the four corners of earth and heaven together; Ps. 18.16 [= 2 Sam. 22.16], where the foundations of *tebel*, i. e. no doubt the base upon which the pillars of the earth rest, are at the bottom of the sea; cf. also Jer. 10.21; 51.15; Ps. 24.1-2; 89.12; 90.2; note also that in Akkadian literature the Mountain of Aralû, which, as we will see, corresponds to Şafon,

But precisely the same concept finds repeated expression in Akkadian literature; for the four sides of the earth and the regions immediately adjacent to them are the four *kibrāti*<sup>167</sup> or the four *tubukāti*.<sup>168</sup> Manifestly this concept is not peculiarly Israelite or Jewish, but was held quite generally throughout the North Semitic world. We will see convincingly that it found expression in early North Semitic mythology, and that from there it spread in various directions and to different peoples and eventually penetrated into Jewish thought and speculation.

It is noteworthy that all of the seven mountains in this complex are of varying height, no two apparently of the same level, even though they may stand on opposite sides of the central peak. Moreover, each mountain is composed of a precious stone, each different from the others. The seventh mountain, in

at the northwest corner of the earth, reaches down into the netherworld, and so is the pillar of the earth at this corner [cf. Delitzsch, *Wo Lag das Paradies*, 117–122]); the end of *tebel* would then be the place where both earth and heaven end; this is precisely the same concept that we have met in 1 Enoch 18.14. Of much more than passing interest is the fact that of all the thirty-eight biblical references to the end or ends of the earth or heaven only Isa. 5.26 while of the thirty-six reference to *tebel* not one, is generally regarded by biblical scholars as pre-exilic; all the other passages are unquestionably exilic or post-exilic. (I have long questioned whether Isa. 5.26–29 is from Isaiah, and should not rather be regarded as post-exilic and eschatological [this is the opinion of Gressmann likewise]. There is very little in the passage which speaks for Isaianic composition and very much which speaks against it.) This very significant evidence seems to establish quite conclusively that likewise (cf. above, note 163) this concept of heaven and earth and universe (*tebel*), with its elaborate cosmological setting, was not current in Israel during the pre-exilic period, but came to it only during the exilic or very early post-exilic period and unquestionably from some foreign source.

<sup>167</sup> Cf. Delitzsch, *HWB*, 315; related no doubt to *kibru*, “edge, border” (*ibid.*); cf. also Jensen, *Die Kosmologie der Babylonier*, 163–184.

<sup>168</sup> Delitzsch, *op. cit.*, 701. This suggestion I owe to the kindness of my friend and colleague, Professor Julius Lewy. Professor W. M. MacGovern has very generously called my attention to the fact that in the mythology of ancient India the world is conceived in very much the same manner as this, with Mt. Meru as its highest mountain and the seat of the great gods (cf. Warren, *Paradise Found*, 148–154; MacGovern, *Manual of Buddhist Philosophy*, 51–56), and that a closely similar concept of the world exists in the mythology of ancient China (cf. Warren, *op. cit.*, 128 f.; 143–147; cf. also Delitzsch, *Paradies*, 112–116; Jensen, *op. cit.*, 208–212).



the center of the complex, is the highest of all and reaches up to, or into, the heaven. It is composed of alabaster, while the divine throne upon its summit, and therefore actually located in the heaven as well as on earth, is of sapphire. This complex of seven mountains, each of a different height, and all inclining upwards, as it were, to the highest peak in the center, upon which is the throne of the supreme deity, cannot but call to mind the Babylonian seven-staged temple, with the cell of the deity upon the summit. It seems not at all improbable that this seven-staged temple-tower was in origin an artificial representation, not so much of a single mountain,<sup>169</sup> as rather of this complex of seven mountains. The seven stages of the temple-tower would represent the seven mountains of the complex, each of varying elevation, while the cell of the deity at the top would correspond to the throne of the supreme deity at the very summit of the highest peak of the complex,<sup>170</sup> and so would be in a

<sup>169</sup> Cf. Delitzsch, *op. cit.*, 119 f.; Jensen, *op. cit.*, 206 f., 255. According to Jensen the earth was conceived by the Babylonians as a great mountain.

<sup>170</sup> Without questioning the ultimate correctness of Zimmern's cosmological interpretation (*KAT*<sup>3</sup>, 615-617; following Jensen and Winckler), viz. that these seven stages represent the seven heavens or the seven regions of the universe, it is difficult to believe that this seven-staged temple-tower is not an institution much older than this comparatively complex, and therefore advanced and relatively late, cosmological concept, and that it did not rather represent, in an earlier stage of cultural evolution, a mountain (so Albright, "The Babylonian Temple-Tower and the Altar of Burnt-Offering," *JBL*. XXXIX [1920], 137; Gressmann, *AOTB*<sup>2</sup>, II, 138), or even such a complex of seven mountains as that of the Book of Enoch, with each mountain of the group rising higher than its outer neighbor, and culminating in the very highest mountain at the center, upon which the supreme deity himself was thought to be enthroned. It may well be that this was the true origin of the seven-staged temple-tower. In fact this hypothesis finds very significant confirmation in Gudea's statement (Cyl. A, 24.15-17 [Thureau-Dangin, *Die sumerischen und akkadischen Königsinschriften*: VAB, I, 1, 116/7]), that the temple of Nin-Girsu "like a mountain of blue stone he built, like a mountain of shining marble he erected it for admiration." Here not only is this temple distinctly likened to a mountain but also and more specifically to a mountain composed entirely of blue marble. The mythological background of this simile is unmistakable. It can not but remind us of the seven mountains in the Book of Enoch, each composed of a different precious stone and each of a distinctive color. Furthermore, inasmuch as in the Mesopotamian Valley itself the concept of a sacred complex of seven mountains could not possibly have arisen, its origin



must be sought outside the Valley, among a people resident, in the earlier stages of its history, before its migration into the Valley, in a distinctly mountainous region. In such case the cosmological interpretation of the seven-staged temple-tower, which Zimmern supports, would have evolved only in the course of time, and naturally within the precincts of the Mesopotamian Valley. The very absence of mountains within the Mesopotamian Valley proper, the new home of this migrating people, might have come in time to almost necessitate this new interpretation of the seven-staged temple-tower, an interpretation now more in accord with the expanding world-view and cosmological system of this people.

Moreover, with the item recorded by Zimmern, that the Babylonians linked the seven stages of their temple-towers with the gods of the seven planets, and accordingly assigned a different color to each, we may associate the fact that these seven mountains of 1 Enoch 18 and 24-25 are each of a single precious stone, of varying colors and of radiant appearance, and perhaps also the additional fact that the seven mountains of 1 Enoch 52 (cf. 67.4 and Charles' note to 52.2) are each of a different metal, iron, copper, silver, gold, soft metal, lead and tin. Even more significant perhaps is the fact that the highest stage of the seven-staged temple-tower of Babylon, Etemenanki, and of the four-staged temple-tower at Ur was built of blue-glazed bricks (cf. Gressmann, *AOTB*<sup>2</sup>, II, nos. 473, 474, 663 and pp. 137 f., 189); for, in all likelihood, this blue structure at the very peak of the temple-tower symbolized the sapphire throne of the supreme deity at the summit of the highest peak of the seven mountains (cf. below, pp. 66 ff.). It should be noted too that the four stages of the temple-tower at Ur are in order, from the lowest to the highest, 9.75, 2.50, 2.30 and 4 meters in height. The entire structure conveys the general impression of a mountain, or even of a mountain complex of several peaks of varying heights. The first level, with the greatest height of all four stages, would represent, of course, the common base of all four peaks, while the fourth level, of a height surpassing considerably the two strata immediately beneath, would represent the highest peak of the complex. For evidence that this was conceived to be of an elevation towering far above the adjacent peaks, cf. below, note 198. But of even greater significance is the representation in no. 474 of what seems to be a temple-tower situated immediately upon the shore of the sea (not a river, as the salt-water crab in the water indicates), and with an elaborate garden of palm-trees at its side, for this reproduces some of the principal features of Šafon, situated at the end of the earth, at the edge of Tehom, with a garden of trees, bearing all manner of fruit, upon the summit of the highest peak. Furthermore, Eissfeldt (*Baal Zaphon, Zeus Kasios und der Durchzug der Israeliten durchs Meer*, 20, note 1) has called attention to the fact that the Babylonian temple-towers were usually oriented towards the northwest, i. e. towards that very corner of the earth where, according to North Semitic mythology, Šafon, or the complex of seven mountains of which Šafon was the center, was located. In this too we may see further evidence of the basic relationship of the Babylonian *zigguratu* to this mythical complex of mountains (cf. also May, "The Patriarchal Idea of God," *JBL*, LX [1941], 123).

way the throne-room of the temple.<sup>171</sup> This conclusion is strengthened by the not infrequent comparison in Akkadian literature of the temple-tower to a mountain<sup>172</sup> and by the figurative expression that the temple-tower reaches up to heaven.<sup>173</sup>

In one other significant respect the close mutual relationship of the Babylonian temple-tower and the complex of seven mountains of 1 Enoch is apparent. The temple-tower is by no means conceived as the permanent abode of the deity to whom it is dedicated. Rather, he dwells ordinarily outside this sanctuary

<sup>171</sup> Cf. however, Herodotus, I, 183 and Gressmann, *AOTB*<sup>2</sup>, II, 135 f. This cell of the deity of the Babylonian seven-staged temple-tower would seem to correspond somewhat to the *d'bir* or adyton of the Phoenician-Israelite temple pattern, in which the image of the enthroned supreme deity stood (cf. "Amos Studies, III," *HUCA*, XV [1940], 105 ff.). I have shown elsewhere ("The Tent of Meeting," *JAOS*, 38 [1918], 139) that the *d'bir* was the artificial representation, in the Phoenician-Israelite temples, of the sacred cave of the deity of primitive pastoral Semitic religion. The origin of this concept must be sought in the desert. Its reinterpretation as the throne-room within the Israelite temples of Phoenician pattern must be the result of the reaction of more advanced, agricultural, syncretistic, religious concepts upon the more primitive, pastoral concept and practice. This new concept implies, of course, that, as one of the processes of this religious syncretism, the supreme deity had now come to be regarded as the divine king. This cultural evolution went hand in hand with the natural advance of early Semitic peoples from pastoral to agricultural civilization. This process is effectively illustrated by the transition in Israel from the simple tent-sanctuary which David, with his basically shepherd outlook, set up in Jerusalem, to the temple which Solomon erected, after the Phoenician pattern, approximately a half-century later, to supersede the old tent-sanctuary and, among other things, to symbolize the new cultural order (cf. "Amos Studies, III," 100-134). It is now self-evident that the post-exilic, apocalyptic tradition of the elevation, upon the very last day, of the Temple Mount to become the highest mountain of the earth and the throne of Yahweh, as the universal divine King, not only represents the final stage in the transition from the primitive, pastoral concept of the sacred cave upon the mountain in the desert as the adyton of the deity, to the sacred mountain, the highest of the entire earth, as the throne of the supreme world-deity, but is also actually a return to the ancient North Semitic concept of Šafon, the divine mountain. Manifestly, in the final outcome, the North Semitic agricultural concept triumphed over the primitive, desert, pastoral concept of the sacred place of the deity.

<sup>172</sup> Cf., for example, the Nabopolassar inscription in *KB*, IV, 6-7, 11.23-25; also *KB*, III<sup>1</sup>, 50-51, 1.11, note.

<sup>173</sup> Cf. Tiglathpileser, VII, 87 (quoted from Delitzsch, *HWB*, 262b).

and enters it regularly only upon the annual New Year's Day. At least such was the procedure in the great temple of Marduk, Ešagila, at Babylon, after it was restored and enlarged by Nebukadnezzar II; for this king records that on the eighth and eleventh days of the New Year's festival Marduk, in his role as "King of the gods of heaven and earth" and "Lord of the gods," took his place within the Temple, while the gods of heaven and earth made humble obeisance before him and then stood before him in reverence.<sup>174</sup> But precisely this must have been the procedure thought to obtain upon upon the summit of the highest peak of the complex of seven mountains of 1 Enoch. There is the throne of God, "where the Holy Great One, the Lord of Glory, the Eternal King, sits when He comes down to visit the earth with goodness."<sup>175</sup> It is true that there is here no mention whatever of the New Year's Day as the occasion of the Deity's coming down to earth and seating Himself upon this throne, nor is there here any suggestion that upon this annual occasion He was attended by the gods of lower rank, who stood about Him reverently and rendered homage unto Him. But there can scarcely be any doubt that just this is the implication of this passage in 1 Enoch 25.3. This complex of seven mountains, with the divine throne upon the summit of the highest, central peak, at the precise northwest corner of the earth, plays exactly the same role in the mythology and religious concepts basic to this section of 1 Enoch as did the Babylonian temple-tower in the mythological and religious concepts of ancient Babylonia in the days of Nebukadnezzar II, and undoubtedly also in far earlier days. Of the close relationship of the Babylonian seven-staged temple-tower to the mythological complex of seven sacred mountains at the northwest corner of the earth, and even of the development of the former out of the latter, there can scarcely be any doubt.

But from this it would follow that, even though naught thereof be mentioned in 1 Enoch, this highest of the seven mountains, upon the summit of which was the throne of God,

<sup>174</sup> The so-called "grosse Steinplatten-Inschrift" of Nebukadnezzar II, II, 54-62 (*KB*, III<sup>2</sup>, 14-15).

<sup>175</sup> For this slight deviation from Charles' translation, cf. above, p. 51.

upon which He would take His seat whenever He would descend to visit the earth with goodness, i. e. upon the annual New Year's Day, when the gods of inferior rank would stand about Him and render homage unto Him, must have been the *har mo'ed*, the mountain of assembly of the gods, of Isa. 14.13; must therefore have been Šafon. There, upon each recurring New Year's Day, the supreme deity would sit enthroned, in the midst of the 'adat 'El, and take counsel with His fellow-deities and determine the lot of men and nations for the year just beginning.<sup>176</sup> That this supreme deity was originally El, the supreme deity of the ancient North Semitic pantheon, and that the ascription of the role of supreme deity in this divine assembly to either Yahweh, Ellil<sup>177</sup> or Marduk represents comparatively late developments therefrom, is self-apparent.

<sup>176</sup> Cf. "The Mythological Background of Psalm 82," 40 ff.

<sup>177</sup> Very convincing corroboration of our thesis of the close relationship of the Babylonian temple-tower to the tradition, obviously ancient, of the complex of seven mountains, with the supreme deity enthroned upon the highest peak thereof, may be seen in the common designation of the Babylonian deity, Ellil, as *šadū rabū*, "the great mountain"; cf. in particular the passages cited by Jensen (*Kosmologie*, 206-207); *šadū rabū Ellil bel mātāti āšib Ēharsaggalkurkurra*, "Ellil, great mountain, lord of the lands, who dwells in Ēharsaggalkurkurra" (the temple of Ellil at Nippur; literally "temple of the great mountain of the lands") (*KB*, II, 78-79, l. 175); *šadū rabū Bēl Imḥarsag ša rēšašu šamāme šanna apsū ellim šuršudu uššušu*, "the great mountain, Ellil, mountain of heaven, whose peak reaches heaven, whose foundation is laid in the pure ocean (*IV Rawlinson*, 27, no. 2). In this last passage Ellil, as the *šadū rabū*, "the great mountain," seems to be actually identified with the Babylonian Mt. Aralū, which, as we have learned (above, note 166), was thought to extend from the netherworld into heaven, and which was, as we will see, the Babylonian counterpart of Šafon. Jensen (*op. cit.*, 203 ff.) has tried earnestly but futilely to refute Delitzsch's contention that *Īharsaggalkurkurra*, "the great mountain of the lands," was identical with the *har mo'ed*, "the mountain of assembly (of the gods)" of Ezek. 28.14, which also, as we will see, was the same as Šafon. Jeremias (*Das Alte Testament im Lichte des Alten Orients*<sup>2</sup>, 565, 568, also 558) approves of this identification. And not only Ellil but also Ashur was occasionally hailed as *šadū rabū*, while to Anu the title, *šadu ilī*, "mountain of the gods" was likewise given. But most significant of all for this study is the fact that a common title for MAR-TU, the god of the Westland, or Amurru, was KUR-GAL, "the great mountain" (cf. Dürr, *Die Stellung des Propheten Ezechiel in der israelitisch-jüdischen Apokalyptik*, 110 f.).

This identification of the complex of seven mountains at the northwest corner of the world, with the central and highest peak thereof the throne of the supreme deity, with Şafon is confirmed by manifold biblical evidence. In Jer. 6.22; 31.7; 50.41 Şafon, or the land of Şafon, is located at the very edge of the earth, and obviously at the northern edge.<sup>178</sup> Jer. 46.10; Zeph. 2.13 locate Şafon, or the land of Şafon, at the headwaters of the Euphrates, i. e. among the mountains of Armenia, the southern and southwestern projections of the Caucasus, and assign this territory, with general historical accuracy, to Assyria.<sup>179</sup> From

<sup>178</sup> This is the implication of Amos 8.12 also (vv. 11–12 are recognized by the vast majority of biblical scholars as not from Amos; they are most probably an interpolation from the post-exilic period; cf. the commentary to follow in a subsequent section of my "Amos Studies," in *HUCA*). The expression, *mişşafon w'ad mizrah*, literally interpreted, "from north to east," is surprising indeed, both because east is not the natural and logical antithesis of north, and also because *miyyam 'ad yam*, as usually interpreted, "from sea to sea," i. e. from the Mediterranean to the Dead Sea," already implies a wandering in an easterly direction, so that *w'ad mizrah* seems to repeat unnecessarily and with weakening effect an idea already expressed adequately in the v. Moreover, the implication here is of a wandering in search of the word of the Deity in a range far wider than merely from one side of Palestine proper to the other, i. e. from the Mediterranean to the Dead Sea. As Nowack has shown, *miyyam 'ad yam* means from one end of the earth to the other, i. e. from the sea at one end of the earth to the sea at the other end (so also Zech. 9.10; Ps. 72.8; cf. Joel 2.20). A corresponding idea must be expressed in *mişşafon w'ad mizrah*. Here too then Şafon must indicate the northwestern corner of the earth, must be the name of the mountain which ancient North-Semitic mythology and later Jewish apocalyptic tradition located at that corner. "From Şafon to the east" must mean accordingly from the western edge, or, more specifically, from the northwestern corner, of the earth to its far eastern edge. Precisely this journey was undertaken by Enoch himself (1 Enoch 24–33).

<sup>179</sup> Somewhat farther north lies the southeastern corner of the Black Sea, a consideration which may have played a quite significant role in the development of the mythological background of the narrative in 1 Enoch 18.11–16, with the abyss, or Tehom, lying just beyond the seven mountains and chaos, or Tohu Wabohu, lying beyond Tehom (cf. Albright, "The Mouth of the Rivers," *AJSL*, 35 [1918–19], 190, 192; cf. also Job 26.7, "He suspends Şafon over Tohu." [Should this read perhaps תהו instead of תהו? This reading would accord with the basic mythological picture more accurately than does the present reading.]). It may well be therefore that it was the geographical location of the Black Sea just beyond these ranges of the Caucasus Mountains which furnished the mythological pattern of Tehom lying just beyond Şafon. Jub.



this mountainous country came iron (Jer. 15.12) and gold (Job 37.22). Within this district dwell different nations, separated from each other, no doubt because of the mountainous terrain, by varying distances (Jer. 25.26). Isa. 49.12; Jer. 3.18; 16.15; 23.8; 31.7; Zech. 2.10 imply clearly that it was to this section of the vast Assyrian Empire that the exiles of the Northern Kingdom were transported in and after 721 B.C. Ezek. 38.6, 15; 39.2 make Şafon the cradle-land of Bet-Togarmah and the other barbarian nations whom Yahweh will send against Israel for their own eventual destruction. Isa. 41.25; Jer. 50.3, 9, 41 represent Şafon as the country from which the nations, destined by Yahweh to overthrow the Babylonian Empire, viz. the Medes and Persians, will set out upon their fell task. Manifestly all these biblical passages locate Şafon in the same district, in the mountains of Armenia, and specifically in just that section thereof where not only the Euphrates, but also the Tigris, the Halys, the Araxes and other rivers have their sources.<sup>180</sup> Viewed from

8.21 (cf. 9.5) locates the Black Sea to the north, just beyond the Mountains of Ashur, which, in turn, seem to be the western extension of the Mountains of Ararat. Magog is the country lying northeast of the sources of the Tînâ River, i. e. the Araxes, and extending to the Caspian Sea (Jub. 8.25; 9.8).

<sup>180</sup> 1 Enoch 77.4-7 speaks again of the seven mountains of the north (cf. above, note 158) and of the seven rivers (and not merely four, as in the biblical narrative in Gen. 2.10-14) which rise in the vicinity of these mountains. These seven rivers may be identified with reasonable certainty as the Nile (cf. Charles' note to 77.5), the Euphrates, the Tigris (for the sanctity of the sources of both the Euphrates and the Tigris even today, cf. Albright, *op. cit.*, 172; note also the epithet applied to El in the Ras Shamra literature [cf. Albright, "The North-Canaanite Poems of Al'eyân Ba'al and the 'Gracious Gods'," (*JPOS*, XIV [1934] IV, 21-22)], *mbk. nhrn. qrb. 'apq. thmtm*, "who causes the rivers to flow from the midst of the fountains of the two deeps." The reference may well be to the Euphrates and the Tigris and their respective sources, or, perhaps even better, to Lakes Urmia and Van); the Halys, the Yeshil-Irmak, the Araxes and perhaps the Oxus (cf. Delitzsch, *Paradies*, 33. This mythological tradition may well be basic to the figure employed in Jer. 47.2 of the stream rising in Şafon and, as it flows along, becoming a mighty river which floods the entire earth). Moreover, the seas to be found in the central section of this northern quarter of the earth may, as has just been suggested, be identified with much probability with Lakes Urmia and Van. The garden of righteousness would lie then to the west of these seas, i. e. at the northwest corner of the earth, precisely where 1 Enoch 24.4 ff. (and also



the standpoint of Assyria, and especially of Assyria as a world-empire, these mountains of Armenia marked the northern edge or boundary of the earth. Apparently, after the advent of the Medes and Persians upon the stage of history, in the last quarter of the seventh century B.C., the range of geographical vision expanded, and accordingly the location of Şafon was pushed back slightly, somewhat farther to the north, and consequently closer to the Black Sea and the highest ranges of the Caucasus.<sup>181</sup> Be that as it may, however, from the historical standpoint Şafon, or the land of Şafon, designated in the biblical literature of the eighth, seventh and sixth centuries B.C. a specific, geographic district at the extreme north, so that very properly *Şafon* could be employed in Hebrew in the general sense of "north."

Mythologically too Şafon had its precise location, even though not determined by specific, geographic boundaries. It was still located in the far north; but now the far north played a significant mythological role. The mountains of Şafon still marked the northern edge of the world, the place where both earth and heaven had their ends. Immediately beyond it lay the *bor*, the pit or abyss. In the version of the ancient North Semitic myth recorded in Isa. 14.12-15 Helel ben Shahar ascends to the very

70.3-4) locates it, even though not calling it specifically by this name (cf. however, 60.23). According to Gen. 3.24 the cherubim and the flaming, revolving sword are placed at the entrance of Eden on the east. This implies that the earth stretched on to the east of Eden, and that accordingly Eden was not located in the extreme east (so also Gen. 4.16; cf. Gunkel to 3.24). Jub. 4.26 distinguishes between the location of Eden and the sacred mountain of the east. Albright ("The Goddess of Life and Wisdom," *AJSL*, 36 [1919-20], 283, note 4) contends that not only the vineyard paradise of the goddess Siduri-Sâbitu (*op. cit.*, 280) but also Eden were originally located in the northwest, in the mountains of Armenia, beyond the Masius range, and that only in secondary tradition did Eden come to be located in the extreme east (cf. 1 Enoch 32.3-6 and Charles' note; also Albright, "The Mouth of the Rivers," *AJSL*, 35 [1918-19], 192). This transition must have taken place after the composition of Jubilees, i. e. after the last quarter of the second century B.C. The Rabbis too located Paradise in the north, while not a few of them located it more exactly in the northwest (cf. Ginzberg, *Legends of the Jews*, III, 161; V, 13, note 33).

<sup>181</sup> Cf. above, note 179.

summit of Šafon, in his attempt to seize the throne of El, only, in turn, to be toppled over and plunged into the very depths of the abyss, obviously lying just on the opposite side of Šafon, immediately beneath the lofty throne of El.<sup>182</sup> Šafon here towers up into heaven so high that the throne of El is even above the stars. It is the *har mo'ed*, "the mountain of assembly" of the gods.<sup>183</sup> Unquestionably it is identical with the highest of the seven mountains of 1 Enoch 18 and 24–25.

Even more compelling proof of this identification is the description of the garden of wondrous trees upon the summit of the mountain, encircling the divine throne, with the tree of life among them. True, nowhere in these chapters is this garden called by the specific name, Eden. Yet that it must be identified with the biblical Eden is beyond all question. Albright<sup>184</sup> has correlated this garden, with the tree of life within it, with the garden of Siduri-Sâbîtu, on the one hand, and with the biblical Eden, on the other hand. Particularly significant is the identification of this garden upon the summit of Šafon with the Eden of Ezek. 28.12–18, the garden of god, upon the summit of the sacred mountain of god,<sup>185</sup> where, among precious stones<sup>186</sup> of all description, dwelt the exalted cherub, whom, however, because of his iniquity and faithlessness, the Deity was compelled to cast out of the garden down to earth, where he was consumed by the fire which came forth from his own person.<sup>187</sup> With this evidence

<sup>182</sup> Cf. "The Mythological Background of Psalm 82," 108 ff.

<sup>183</sup> *Op. cit.*, 40–76; cf. above, note 177.

<sup>184</sup> "The Goddess of Life and Wisdom," *AJSL*, 36 (1919–20), 280–284.

<sup>185</sup> Similarly 2 Enoch 8.3 tells that the tree of life is at the place where the Lord rests when He goes up into Paradise; cf. also Ginzberg, *Legends*, I, 97, 123.

<sup>186</sup> 'Abne 'eš, no doubt identical with Akkadian *aban iššāti*, literally "stones of fire"; cf. Delitzsch, *Paradies*, 118 f.

<sup>187</sup> Obviously we have to do here with another version of the Helel ben Šahar-Satan myth (cf. "The Mythological Background of Psalm 82," 108–112). The final detail of the myth here, viz. that the rebellious cherub was cast down to earth and was there consumed by the flame which came forth from his own person cannot but remind us of Luke 10.18, "I beheld Satan fallen as lightning from heaven." Impliedly even before the rebellious angel, cast out from heaven, reached the earth, the flame had sprung forth from his person and enveloped his entire body, and the work of his total destruction had begun.

the identification of the garden upon the summit of the highest of the seven peaks of 1 Enoch 18 and 24–25 with Eden, and with this of these seven peaks, and especially the highest among them, with the sacred mountain of God, i. e. with Şafon, becomes indubitable.

Of further significance is the statement of v. 13,<sup>188</sup> that the cherub, who dwelt upon the sacred mountain amid the precious stones, filled his treasuries with gold. In the Akkadian records Aralû,<sup>189</sup> the sacred mountain in the far north, was one of the two mountains from which gold came.<sup>190</sup> But according to Job 37.22,

From Şafon cometh gold; upon God august it is an adornment.<sup>191</sup>

Şafon too is a traditional source of gold, especially in mythological tradition, and from this angle too must therefore be

<sup>188</sup> Following the unquestionably better text of *G* and *S* (cf. Bewer, in Kittel, *Biblia Hebraica*<sup>3</sup>).

<sup>189</sup> Also the netherworld, the abode of the dead; cf. Albright, "The Babylonian Temple-Tower and the Altar of Burnt-Offering," *JBL*, XXXIX (1920), 137, and above, note 164.

<sup>190</sup> Cf. Delitzsch, *Paradies*, 107 f. and 118, and Albright, *op. cit.*; *BASOR*, no. 70 (April, 1938), 20, and "The Ancient Near East and the Religion of Israel," *JBL*, LIX (1940), 107.

<sup>191</sup> There is no need to emend זרר to זרר (so Duhm, G. B. Gray, Beer and E. G. H. Kraeling), chiefly upon the basis of Ezek. 8.2, nor yet to drastically recast and reinterpret the v. with Bittenwieser. Quite the contrary, it would be far simpler and more natural and probable to follow the reverse procedure and emend זרר of Ezek. 8.2 to זרר on the basis of this passage and to conform to the parallel thought of *ke'eyn haḥašmal*, "like the gleam of *ḥašmal*-metal" (cf. also 1.27). Job. 37.22b seems to state that the august, radiant deity of Şafon is adorned with gold, clad in shining gold, as it were. But this is precisely the picture of the radiant, gleaming *kebod Yahweh*, which comes from Şafon, in Ezek. 1.4–28; 8.2; 10.18–19, as we will see. There is therefore no reason whatever for emending the text of Job 37.22 or of interpreting it other than in a perfectly literal manner. Herodotus (III, 116) seems to preserve a reminiscence of this mythological tradition of gold coming from the far north, i. e. from Şafon or Mt. Aralû, where it was guarded by supernatural, semi-divine creatures, corresponding to the cherubim of the Ezekiel passages. 1 Enoch 20.7 too knows of the cherubim in the garden upon the summit of the highest of the seven mountains.

identical both with the Akkadian Mount Aralû and the sacred mountain of god of Ezek. 28.12-18.

But Şafon plays a further role, and one of extreme significance, in the Book of Ezekiel in the remarkable vision in 1.4-28 and its attendant sections.<sup>192</sup> For there the *k'bod Yahweh* comes from Şafon. Its appearance is that of a man, gleaming with one kind of radiance from the waist upwards and with another kind of radiance from the waist downwards. It is seated upon a throne which stands upon a *raḳi'a*, i. e. a flat platform or dais,<sup>193</sup> which in turn rests upon the heads of the four *ḥayyot*. The throne was as if of sapphire. Obviously it is the same as the sapphire throne in 1 Enoch 18 and 24-25. But from this it follows once again that the highest, central peak of the seven mountains of 1 Enoch, upon which is the throne of the supreme deity, must be Şafon itself, since, as v. 4 states explicitly, it is from Şafon that the *k'bod Yahweh* comes. Manifestly Ezek. 1.4 implies, just as does 1 Enoch 18 and 24-25, that Yahweh is the supreme deity, and that His normal abode, when He comes to visit the earth, is Şafon.<sup>194</sup>

<sup>192</sup> 1.1, 4-28; 2.1; 3.12aβ-13, 23aβb; 8.2, 4; 10. The Ezekelian authorship of these passages I question seriously. (Likewise I cannot agree with Hölscher that 1.4 is a part of the original vision of Ezekiel rather than the beginning of the interpolated vision of the divine throne, 1.4-28.) I regard these passages, together with chapters 40-48, as constituting a framework, chiefly apocalyptic or semi-apocalyptic in character, and not all necessarily the work of one author or of one age, which was gradually built about the original nucleus of the Book of Ezekiel *circa* 500-200 B.C. The strictly apocalyptic portion of this framework has very close affinities with other apocalyptic passages of the Bible and even closer affinities with extra-biblical Jewish apocalyptic writings. Likewise with Hölscher, I cannot regard all the remaining portions of the book as genuinely Ezekelian. In particular the greater portion of chapters 25-32 comes from the period following immediately upon 485 B.C., as I have intimated above (note 60), and as I hope to demonstrate in a subsequent study.

<sup>193</sup> Like that upon which North-Semitic deities are frequently represented as standing or their thrones as resting; cf. Gressmann, *Altorientalische Bilder zum A. T.*, nos. 318, 322, 323, 335, 336, 345.

<sup>194</sup> Ezek. 1.4-28 seems then to indicate that the concept that Yahweh dwelt normally within the Temple at Jerusalem had not yet evolved at the time of its composition (cf. "The Book of the Covenant," I, *HUCA*, V [1928], 39 ff.; "Amos Studies, I," *HUCA*, XI [1936], 134 ff.). This passage and its related sections (cf. above note 192) must be then the work of an apocalypticist

Still one other biblical narrative seems to deal with Şafon, even though, once again, this name is not applied specifically to the mountain or mountains in question. The P version of the

who lived in Palestine either at some time during the fifth century B.C., before the composition of P and the rise of the doctrine that Yahweh dwelt permanently within the Temple, or else at a period somewhat later, but who belonged to one of the Hasidic groups or sects which did not accept the Zadokite theology and program of P. Moreover, Ezek. 1.4-28 seems to imply further that when Yahweh, for any reason, would journey from Şafon to any other place on the earth, He would do so while still seated upon His sapphire throne, which would be borne along upon the *hayyot* or cherubim, or however these divine creatures, the attendants of the Deity, might be called; hence the title, *Yahweh yošeb hak\*rubim*; cf. "The Mythological Background of Psalm 82," 67 ff., note 69; cf. also Isa. 19.1; Ps. 18.11 (=2 Sam. 22.11); Dan. 7.13; Rev. 14.14-16; also the title, "rider of the clouds" (*rkb 'arpt*), in the Ras Shamra texts, applied to 'Al'eyan Ba'al.

A graphic illustration of the Ezekelian concept of the divine throne, and also an indication of its firm and enduring appeal to the Jewish religious imagination, reaching well into the Middle Ages, may be seen in the title-page of the manuscript of the Mahzor, or Jewish Prayer Book, of the Breslau State and University Library, Ms. Or. I, 1 (cf. Rachel Wischnitzer-Bernstein, "The Messianic Fox," *THE REVIEW OF RELIGION*, 1941, 257-263, and especially the plate facing p. 260), dating from the first half of the fourteenth century. A.D. This title-page shows a representation of the Gate of Mercy, which, according to Jewish tradition, was opened on the Day of Atonement, but was closed again at sunset of that most holy day. As I have shown ("The Gates of Righteousness," *HUCA*, VI [1929], 1-37), this concept had its origin in the ancient ceremony of opening the eastern gate of the Jerusalem Temple, kept closed throughout the remainder of the year, upon the morning of the New Year's Day, the day of the fall equinox, so that the first rays of the rising sun might shine directly in through this open gate, down the long axis of the Temple, into the *d\*bir* or holy of holies at its far western end. This was known as the coming of the *k\*bod Yahweh*, the so-called "Glory of Yahweh," and symbolized the entrance of the Deity into the Temple upon this "Day of Judgment" in order to pronounce judgment upon Israel and fix its destiny for the year just beginning. At sunset of this day this eastern gate was again closed and remained closed tightly until the dawn of the next New Year's Day.

Ps. 24.7-10 is undoubtedly a part of the liturgy of this occasion. It summons this eastern gate to open of its own accord that Yahweh, the radiant King, "the King of Glory," might enter. Undoubtedly Yahweh is here conceived of in the form of the *k\*bod Yahweh*. But also in the vision of Ezekiel Yahweh is represented as the *k\*bod Yahweh*, in the form of a man of radiant appearance, seated upon His sapphire throne and borne along by the four *hayyot*. Also in the complementary vision, in Ezek. 43.1-4, the prophet again



flood story tells that the flood was caused by the opening of the windows of heaven and of all the sources of the great Tehom.<sup>195</sup> The waters rose higher and higher until the tops of the very highest mountains were covered to a depth of at least fifteen cubits, just half the height of the ark.<sup>196</sup> At the end of one hundred and fifty days, during which the waters had risen steadily, the ark stuck fast upon one of the mountains of Ararat.<sup>197</sup> The implication is clear that this mountain was the very

beholds, and this time upon the New Year's Day (40.1), Yahweh, still in the form of the *k'bod Yahweh*, just as He had beheld Him in the first vision, enter the restored Temple by the open eastern gate, to take up His permanent residence therein; therefore the supplementary command (44.1-2) that henceforth this eastern gate shall forever remain closed, impliedly because never again would Yahweh, now dwelling constantly within the Temple, have occasion to enter therein.

Manifestly it is just this entrance of Yahweh into the Temple through the open eastern gate, the Gate of Mercy, upon the Day of Atonement, originally the New Year's Day, which this title-page depicts. The two doors of the gateway are flung wide open. The arch of the gateway forms the framework of the picture. At the bases of the two sides of the arch and at their summits, just where the curve of the arch proper begins, the four *hayyot* are represented in four medaillons, while in another medaillon, inserted at the very keystone of the arch, the divine throne, in the form of a square-shaped, stately armchair, resting upon a platform, the *raḳi'a* of the picture of Ezekiel, is depicted. Quite naturally, in strict conformity with Jewish tradition, the chair or throne is empty. None the less the obvious implication is that Yahweh is seated thereon, though invisible to the human eye. That the basic theme of this title-page is the vision of Ezekiel is beyond question cf. also Burch, *Anthropology and the Apocalypse*, 50, 62). It forms a fitting framework or setting for the central theme of the "Messianic Fox," symbolizing Israel's expectant hope of salvation and restoration and of the rebuilding of the Temple, destined to be achieved, according to Jewish tradition, upon the New Year's Day.

<sup>195</sup> I. e. the vast ocean, which not only lies underneath, but also extends beyond the ends of the earth, in other words, beyond Şafon.

<sup>196</sup> Gen. 6.15; 7.11-8.4 (in the main; cf. Gunkel to the passage).

<sup>197</sup> Note the plural, *hare 'Ararat*; not "Mt. Ararat," as traditionally translated and interpreted, but rather "(one of) the mountains of Ararat," i. e. of Urartu or Armenia. According to Jub. 5.28 the ark was held fast upon the summit of Lûbâr, one of the mountains of Ararat. Quite probably these "mountains of Ararat" may be identified broadly with the *har're ḳedem*, "the mountains of antiquity" (not "the mountains of the east" [cf. Deut. 33.15, where *har're ḳedem* is in parallelism with *gib'ot 'olam*, "the eternal hills;" cf. also Hab. 3.6]), which marked the northern boundary of Aram Naharaim, the



highest of the entire earth, so much higher in fact than all other mountains that it needed more than two and one half months for the waters to abate sufficiently for the tops of the other mountains to emerge.<sup>198</sup>

The full implication of the flood narrative<sup>199</sup> now becomes plain. As the waters of the flood rose steadily, they swept the ark farther and farther to the north, until it reached the very end of the earth. But just as it was about to be swept beyond the confines of the earth, the appointed habitation of men, out

home of Bil'am (cf. Num. 23.7; Deut. 23.5). The designation of these northern mountains as *har're kedem* or *har're 'ad* accords well with the significant role which, as we have seen, they play in North-Semitic mythology.

<sup>198</sup> Gen. 8.5. The biblical flood story enables us to form a clear picture of the vastly superior height of Şafon over all the other mountains of the earth, presumably including the six mountains immediately contiguous to it. Gen. 7.19 relates that the waters of the flood covered the highest mountains of the earth. 7.20, which, however, has all the earmarks of an interpolation, states that the waters covered the mountains to a depth of fifteen cubits, i. e. just half the height of the ark. The implication is, as Gunkel has pointed out (cf. *Commentary* to the passage), that the ark was floating in the water to half its height of thirty cubits (6.15), and so stuck fast upon the peak of the highest mountain, which we have identified with Şafon, at the very moment when the waters of the flood reached their zenith. The implication is further that, so soon as the ark had stuck fast, the waters began to recede. According to 8.3-5, after one hundred and fifty days of steady rise, upon the 17th of the seventh month, the recession of the waters began and continued steadily until the 1st of the tenth month, when the tops of the mountains, i. e. the mountains other than this one, particular peak, Şafon, emerged. This means a period of recession of the waters of either seventy-three or seventy-four days, depending upon the system of calendation here employed (cf. "Additional Notes on 'The Three Calendars of Ancient Israel,'" *HUCA*, III [1926], 94 f.). According to 8.13, the recession was completed and the waters had vanished from the face of the earth upon the 1st of the first month of the succeeding year. This implies in turn that it required exactly three months, totalling either eighty-eight or ninety days, for the waters to recede to the depth of the highest mountains other than Şafon. The fact that these two periods of the recession of the waters were of almost equal duration implies, in turn, that Şafon was thought by this P author or editor to tower above all other mountains to almost twice the height of the very highest. The mythological character of Şafon and of this element of the flood story is thus clearly established (cf. above, note 170).

<sup>199</sup> In both the J and P versions; for in both, so it seems, the mountain upon which the ark landed played precisely the same role.

beyond into the realm of Tehom, where it would have been irretrievably lost, Providence intervened, and the ark was caught upon the peak of the highest mountain of the entire earth, one of the mountains of Ararat, at the northern edge of the earth. This mountain, immeasurably higher than all other mountains, must have been Şafon. And there, very properly, since the summit of this mountain was the actual spot upon which Yahweh would descend to visit the earth, and where therefore He could be most readily contacted by mortals, Noah offered sacrifice, and there Yahweh made a covenant with him.<sup>200</sup>

All this evidence, coming from various directions, establishes two important conclusions. The first is that the nameless range of seven mountains of 1 Enoch 18 and 24-25, having the form of a right angle, situated at the northwestern corner of the earth, at just the spot where both earth and heaven end, with the highest mountain of the seven at the apex of the right angle and reaching from earth into heaven, and with the sapphire throne of the supreme deity at its pinnacle, with this throne therefore still located in heaven even though at the same time actually resting on the earth as well, must be Şafon. This mountain or, perhaps more precisely, this range of seven mountains, played a conspicuous role in the religious and mythological traditions of the northern Semites and apparently was most intimately related to the institution of the Babylonian, seven-staged *zikkurat* or temple-tower. Moreover, it seems that this concept of this range of seven mountains at the northern or northwestern edge of the earth, with the highest peak thereof as the place where the supreme deity was enthroned, and where the attendant deities were wont to assemble upon each recurring New

<sup>200</sup> In the Akkadian flood-story Mt. Nişir played identically the same role. For its probable, traditional location to the northwest of Babylonia cf. Jensen, in *KB*, VI<sup>1</sup>, 382; Zimmern, *KAT*,<sup>3</sup> 549, note 4; Albright, "The Mouth of the Rivers," *AJSL*, 35 (1918-19), 190 f. According to Gilgamesh-Epic, XI, 156-162, so soon as Ut-Napishtim came forth from the ship, he offered sacrifice upon the very highest peak of the mountain (*ina eli zikkurât šādê*). The gods smelt the sweet savor and quickly gathered like flies about the sacrifice, this quite naturally because this very mountain, and particularly this highest peak thereof (was it perhaps a mountain of seven peaks?), was their regular place of assembly on earth, the Akkadian *har mo'ed*.

Year's Day, to settle in council the destinies of men and nations for the year just beginning, was, if not in all, then at least in some of its most essential details, not of Semitic origin,<sup>201</sup> and that it had its roots in the high Caucasus Mountains or, perhaps more precisely, in those offshoots of this mountain range which stretch to the south and southeast of the eastern or southeastern corner of the Black Sea. The Black Sea itself, extending for seemingly illimitable distances to the north and northwest of these mountains, may very well have suggested the concept of Tehom lying immediately beyond these mountains.<sup>202</sup> In such a setting these mountains would very fittingly mark the northern edge or the northwestern corner of the earth, where heaven likewise ends, and beyond which lies Tehom, with Tohu or Chaos on the other side of Tehom.

The second important conclusion which this array of evidence has established is that various elements of this ancient North Semitic mythology persisted in Israelite and Jewish thought and found frequent and varied expression in Jewish religious tradition and apocalyptic vision and speculation, particularly from the sixth century B.C. on and into the pseudepigraphic writings of the centuries immediately preceding the common era, and from these into Revelations and other kindred writings of early Christianity.<sup>203</sup> We have encountered these North Semitic mythological elements not only in this study but also, and in great and varied profusion, in our study of "The Mythological Background of Psalm 82." The Book of Enoch, particularly in its older strata, seems to have been the repository of much of this mythological tradition, and that too in a form which approximated early stages of this tradition quite closely.<sup>204</sup>

<sup>201</sup> Whether these details had their origin among the Sumerians or some other ancient people which streamed forth from the north into Mesopotamia and Syria, I do not feel myself competent to even discuss.

<sup>202</sup> Albright (*ibid.*) has suggested that the *mê mûti*, "the waters of death," which must be crossed in order to arrive at the Isles of the Blessed, on their far side, may be identified with the Black Sea; cf. above, note 179.

<sup>203</sup> Cf. in particular Burch, *Anthropology and the Apocalypse*.

<sup>204</sup> The significance of this material in the fascinating task of reconstruction of ancient North-Semitic mythology, religious concepts and institutions, so important especially in tracing the early history and gradual evolution of

In one other biblical narrative the influence of the tradition of Šafon may be readily discerned. Ex. 24.1–2, 9–11, 13b tells that at the command of the Deity Moses, accompanied by Aaron, Nadab and Abihu, and seventy of the elders of Israel, ascended the mountain of revelation up to a certain point, and there, from a distance, they beheld the God of Israel,<sup>205</sup> and beneath His feet it was like a work of sapphire brick<sup>206</sup> and like the very heaven for radiance. There these elect of Israel beheld the Deity in person, as it were, without incurring any danger to themselves,<sup>207</sup> and while they ate and drank, presumably in the celebration of a covenant meal with the Deity.<sup>208</sup> Meanwhile Moses ascended the mountain of God,<sup>209</sup> impliedly into the very presence of the Deity.

In the analysis and interpretation of this little narrative there has been much confusion and uncertainty. Dillmann assigned vv. 1–2, 9–11 to J, while Holzinger and Carpenter and Harford likewise assigned vv. 1, 9–11 to J but regarded v. 2 as a gloss. Also in v. 1 Holzinger held that אהרן נדב ואביהוא and

Judaism and Christianity, should not be underestimated. To me it seems to take its place rightfully alongside of Sanchuniathon, Berossos and other similar secondary sources, as indispensable supplements to and commentaries upon the primary sources, which we find in Akkadian literature, the Rash Shamra texts and the mythological representations upon the monuments of Mesopotamia, and particularly of northwestern Mesopotamia.

<sup>205</sup> Or, following the text of *G*, "the place where the God of Israel stood." This text represents, no doubt, a harmonization of theological ideas rather than a correct original reading.

<sup>206</sup> Or, perhaps better, "sapphire mosaic;" cf. Dillmann, to the passage.

<sup>207</sup> From having gazed upon the Deity's person, which ordinarily meant death; cf. "The Oldest Document of the Hexateuch" (*HUCA*, IV [1927], 14 f.). Obviously this consideration motivates the detail of the narrative that these elders could ascend the mountain only to a certain point and might behold the Deity only from a distance (v.1); for it was this viewing the Deity from a distance, and not "face to face" (cf. Deut. 34.10), which ensured their safety.

<sup>208</sup> So Dillmann and Baentsch to the passage.

<sup>209</sup> V. 13b, unquestionably the expected and natural continuation of this narrative. Note that v. 13b disturbs the continuity of vv. 13a, 14–15a (E?), for in v. 14 Moses has not yet begun the ascent of the mountain, but is still present with the elders (however, not the same elders as in vv. 1, 9) at the foot of the mountain; and likewise v. 15a records the ascent of the mountain by Moses in its proper sequence. V. 18a records the P version of the same incident.

מרחוק are glosses. Wellhausen, on the other hand, regarded these vv. as E, while Kuenen and Cornill, more specifically, set them down as E1.<sup>210</sup> Baentsch regarded vv. 1, 9–11 as E and v. 2 as redactorial. Eissfeldt assigns these vv. to L<sup>211</sup> and holds, in turn, that as a part of L these vv. belong to the oldest literary stratum of the Hexateuch. None of these assignments carries conviction. They are all made largely upon the negative ground, that since, for this or that reason, these vv. cannot belong to one source, they must therefore be assigned to the other source. The only point of agreement among these various scholars seems to be that these vv. belong to one of the older, or even to the very oldest, of the strata of the Hexateuch.

Actually these vv. should be correlated with Ex. 19.21–22, 25.<sup>212</sup> There, it is clear, the Deity anticipates that the people will urgently desire to see Him, and also that certain of the priests are expected to draw near unto Him, and are therefore required to prepare themselves for this by ritual purification. In complete conformity to these expectations 24.1–2, 9–11, 13b tells that seventy elders, the natural representatives of the people,<sup>213</sup> actually are permitted to see the Deity, even though only from a distance, and also that among them are the representatives of the priestly caste, Aaron, Nadab and Abihu. Manifestly then 24.1–2, 9–11, 13b is the continuation of 19.21–22, 25.

The entire passage shows traces of very late editorial handiwork. With the exception of 24.10, where He is called 'Elohe Yisra'el, and 24.13b where the mountain is called *har ha'Elohim*, the Deity is spoken of invariably as Yahweh. Moreover, the designation in 24.11 of the seventy elders as 'a,ile b'ene Yisra'el clearly anticipates, in characteristic editorial manner, the J narrative in Num. 11.16–17, 24–30 and implies, furthermore, that these seventy elders here are the very same persons as the seventy

<sup>210</sup> Cf. the tables in Holzinger, *Einleitung in den Hexateuch*.

<sup>211</sup> I. e. his "Laiendokument." To this same stratum he likewise assigns vv. 13–15a. He too regards נדב ואביהוא in vv. 1 and 9 and also משרחו in v. 13 as glosses, while, on the other hand, in v. 15a he inserts ויהושע after משה.

<sup>212</sup> Though 24.1–2 is hardly the immediate continuation of 19.21–22, 25.

<sup>213</sup> Therefore the provision in 24.2b that only the seventy elders, the representatives of the people, but not the people themselves, are to ascend the mountain. Possibly we should emend עמו to עמיהם.



elders there. Manifestly this reference to these seventy elders comes entirely too early here; but, since they play an integral and indispensable role in this narrative, this definitely stamps this entire narrative as of secondary and late composition.

This conclusion is confirmed by the fact that the influence of P is even more marked in this narrative than that of J. This is evidenced not only by the use of the characteristic P expression, *'ešem*, in v. 10, but also by the role which Aaron, Nadab and Abihu play in the narrative. While it is true that they are not mentioned specifically in v. 11, and so by implication are included in the collective term, *'ašile b'ne Yisra'el*, the reference to them in 19.22 indicates that they had some particular part in this narrative in its full form, whatever this may have been, and that therefore the citation of them in 24.1 cannot be a gloss, as, as we have seen, a number of biblical scholars have regarded it. Nadab and Abihu are mentioned otherwise only in P; and just as this narrative seems to anticipate the J narrative of the seventy elders in Num. 11, so also it seems to anticipate the P narrative in Lev. 10.1 ff.

The evidence is cumulative therefore that this entire passage is actually neither J nor E nor L nor even P, but is altogether of secondary and late composition.<sup>214</sup> It must be later even than the P narrative in Lev. 10.1 ff., the account of the death of Nadab and Abihu, and therefore cannot be much earlier than 400 B.C., and may even be a bit later. It comes then from the very period in which, as we have seen, the influence of North Semitic mythology was strong in late biblical and early pseudepigraphic writings. It need not surprise us therefore to find that in this late version of the revelation of the Decalogue the mountain of revelation should be designated as "the mountain of God" and should be invested with some of the attributes of Šafon, particularly the sapphire throne of the Deity, or rather the platform, the *raḳi'a*, beneath it,<sup>215</sup> and the shining radiance of heaven. This picture, even on the surface, differs but little from that in

<sup>214</sup> Its closest affinities seem to be with P, for 19.23–24, embedded between vv. 22 and 25, are obviously P or RP, while 24.15b–18 (omitting v. 18aβ) is the P version of this same narrative.

<sup>215</sup> Of Ezek. 1.22 ff.



Ezek. 1.4–28. This narrative, or, more precisely, this fragment of a narrative, does not imply at all that this “mountain of God,” this mountain of revelation in the desert, was the normal dwelling-place on earth of the Deity. Rather, just as does the P version of the same narrative, immediately following,<sup>216</sup> it implies that the Deity had come from wherever His normal abode was conceived to be and had taken His place temporarily upon the summit of this desert mountain merely in order to make His revelation to Israel. And just as the P version of this narrative tells that the Deity came in the fiery form of the *kʾbod Yahweh*, characteristic of P, so this version, less disturbed in its theological principles by an anthropomorphic concept of the Deity, told that He came from His normal abode to the summit of this mountain in the form of a fiery, radiant being seated upon His sapphire throne, which, in turn, rested upon a sapphire dais. But this is precisely the same picture as in Ezek. 1.4–28. Manifestly then the place from which Yahweh came to this mountain of revelation must have been Šafon, just as in the vision of Ezekiel.

Naught is said here about the manner of transportation of this sapphire throne with the Deity seated upon it; but it is reasonable to believe that the full narrative, in its original form, before being edited by P writers, told, again just as in Ezek. 1.4–28, that it was borne along by cherubim.<sup>217</sup> Quite naturally

<sup>216</sup> Vv. 15b–16a; cf. “Biblical Theophanies” (ZA, XXV [1911], 149 f.), but modifying the view there expressed, that P conceived of Sinai as the normal earthly abode of Yahweh, before He took up His permanent residence within the tabernacle. Unquestionably in v. 16a *wayiškon* and *wayʾkassehu* must be interpreted as pluperfects; and the clear implication is that only seven days previously Yahweh had come from wherever His normal abode was, and had taken His place upon the summit of Sinai in preparation for this very moment of revelation to Israel. Actually this is stated, though rather confusedly, in Ex. 19.16aγ (וענן כבוד עֲלִיהֶרָר) and 18aβ, both passages obviously RP interpolations. Even in P something of the old mythological concept is apparent; for it is impossible to dissociate completely the P picture of the *kʾbod Yahweh* in the form of a consuming fire upon the summit of the mountain (v. 17) from the statement of 1 Enoch 18.6, 10, that the place of the seven mountains burned day and night, while upon the summit of the highest peak, where the sapphire throne stood, was a flaming fire; cf. also Deut. 4.11b–12a.

<sup>217</sup> For the prevalence of this concept in the biblical writings of the early post-exilic period cf. “The Mythological Background of Psalm 82,” 40, note 25; 69, note 69; 70, note 74.

the figures of the cherubim tended to be suppressed by these P editors in conformity with their firmly established theological antagonism to the concept of angels, while their equally pronounced anti-anthropomorphism made them remove all reference to the visible form of the Deity and even to the throne, and so left only the vague reference to the sapphire dais beneath the Deity's feet. That the original narrative, of which merely this little fragment has survived, comes from approximately the same period as Ezek. 1.4-28, or very soon thereafter, seems almost certain. It evidences a definite tendency in the thought of the post-exilic period to identify the various mountains of Israelite and Jewish tradition with Şafon and to invest them with various of the mythological qualities and attributes of Şafon.<sup>218</sup> Quite

<sup>218</sup> The spot where the seventy elders halt, beyond which they are not permitted to ascend, but from which they can get a clear view of the Deity, standing, or seated upon His sapphire throne, in either case, however, with His feet resting upon the sapphire dais, at the very summit of the mountain, might very well have been the summit of one of the six other peaks of Şafon, perhaps the highest of these six and therefore the one closest to the central and dominating peak. Certainly from the top of this sixth peak a clear, unbroken view of the summit of the neighboring, highest peak, with the Deity enthroned upon it, could be obtained. Rather significantly Jub. 8.19 tells that Mount Sinai, as the center of the desert, Mount Zion, as the center, or the navel, of the earth, and the Garden of Eden, as the holiest place of the entire earth, the dwelling-place of the Lord, faced each other, formed a triangle, as it were. In one other, illuminating respect Mt. Sinai came to be endowed in popular tradition with the attributes of Şafon; for the Rabbis told, and this tradition finds record likewise in the Koran (Suras 2:60; 4:153), that at the moment of revelation Mt. Sinai was elevated above the heads of the children of Israel, gathered at its base, so that, whereas it was normally a mountain of no great height, it now became a mountain of extraordinary elevation, just as, as we have seen, was to be the divine procedure with Zion on the last day (cf. Ginzberg, *Legends of the Jews*, III, 202; Obermann, "Koran and Agada: The Events at Mount Sinai," *AJSL*, LVIII [1941], 34 ff.). It is not at all improbable, not only that, as Obermann suggests, this tradition may be based upon a too literal interpretation of the statement of Deut. 4.11a, that the people stood 'beneath' the mountain, but also, as the continuation of the v. states explicitly, at the moment of revelation "the mountain was flaming with fire into the very heart of heaven," that the tradition, that at this moment and for this occasion Sinai was elevated until it actually touched heaven, is implied in the v., and so was current already in the post-exilic period, when Deut. 4.11 was written. This would constitute then another point of identification of Sinai with the mythological Şafon.

similarly Ps. 68.16 can say of Mt. Hermon, "The Mountain of Bashan is a mountain of humps,"<sup>219</sup> the Mountain of Bashan is the Mountain of God.<sup>220</sup>

<sup>219</sup> Literally perhaps "a hunchbacked mountain," so designated because of its three peaks of slightly varying height (therefore perhaps the plural, *haḥermonim*, Ps. 42.7); cf. Baedeker, *Palestine and Syria*<sup>s</sup> (1912), 294; G. A. Smith, *The Historical Geography of the Holy Land*, 477, note 1.

<sup>220</sup> Also to the author of 1 Enoch 6-16, a portion of one of the oldest strata of the book (cf. Charles' introduction, *op. cit.*, 170), Mt. Hermon must have been invested with various of the attributes of Šafon (cf. "The Mythological Background of Psalm 82," 88, 97). For, since the rebellious angels are represented as imprisoned in the hollows and valleys at its base, since, in other words, here was the abyss or pit, it would seem to follow that this writer imagined that the divine throne, upon which the Deity would sit, when He descended to visit the earth with goodness, and where on each recurring New Year's Day He held solemn council with His attendant deities, was located upon the summit of Hermon. Naturally the tree of life, planted among the fragrant trees near to the throne of the Deity, upon the summit of Hermon, would be conceived of as a cedar, just as in Ps. 92.15, as we will soon see, rather than as a palm, as in 1 Enoch 24.4 (cf. below, note 225).

Precisely this concept of Mt. Hermon seems basic to and suggests the full implication of 2 Ki. 19.23 (= Isa. 37.24). There the king of Assyria is represented as saying, "With the multitude of my chariots I ascended the highest mountain (note that *harim* has no article; therefore the full term, *m<sup>e</sup>rom harim*, probably has much the force of a proper name, i. e. Hermon), to the uttermost recesses (or "to the highest point"; for these two closely related connotations of *yark<sup>e</sup>te* cf. below, in this same note) of Lebanon; and I cut down its highest cedars, its choicest firs; and I came to the high place (so Isa. 37.24; 2 Ki. 19.23 reads *m<sup>e</sup>lon*, "the lodging-place," undoubtedly a corruption) at its very end, to the forest of its garden." The reference is undoubtedly to Mt. Hermon, for it is the highest peak of Lebanon. The v. envisages Hermon with many of the chief attributes of Šafon, particularly the highest point at its very end or edge, with the garden of trees upon it. Apparently this particular spot was regarded as of the most extreme sanctity, for his entrance into it and his cutting down of the sacred trees there are represented, in the words attributed to the Assyrian king, as acts of utmost daring, which, carried out successfully and without any retributive misfortune befalling him, establish beyond all question the superiority of his power to that of the deity of this holy place and, impliedly, of the deities of all the peoples conquered by him. (Perhaps too in v. 24 we have a somewhat obscured reference to the rivers which, according to the general myth, flowed forth from Eden, upon Šafon; cf. Gen. 2.10-14; 1 Enoch 77.4-7 and above, note 180.) Likewise the author of Ezek. 31.15-18 seems to have associated both the garden of Eden and the abyss or pit with Lebanon.

In "The Mythological Background of Psalm 82" (108-111) I followed

Eissfeldt (*Baal Zaphon, Zeus Kasios und der Durchzug der Israeliten durchs Meer*, 14–16; also Bauer, "Die Gottheiten des Ras Schamra," *ZAW*, X [1933], 87; Albright, "The North-Canaanite Epic of 'Al'eyan Ba'al and Môt, *JPOS*, XII [1932], 192; Gaster, "Some Ancient Oriental Folklore," *Folk-Lore*, XLIX [1938], 338 f."; "'Ba'al Is Risen . . .': An Ancient Hebrew Passion-Play from Ras Shamra-Ugarit," *Iraq*, VI [1939], 110, 116, 122 [Gaster holds also that Mt. Carmel too corresponds to Şafon; *ibid.*, 122]; Burch, *Anthropology and the Apocalypse*, 132 f.) in not only identifying Mt. Casios with Şafon, but also in regarding it as the true and original Şafon of North Semitic mythology. As the result of this present study, however, I must now reject the latter assumption and regard the identification of Mt. Casios with Şafon in the literature and religious thought and practice of Ugarit as but another instance of the very same practice which, a thousand or more years later, likewise identified various other mountains of the northwest Semitic world with Şafon. The true and original Şafon of North Semitic mythology, the elements of which may, no doubt, be traced backwards to an early period, antedating the Ras Shamra literature by another thousand years and more, must in all likelihood, as we have endeavored to show, be located much farther to the north than Ugarit and Mt. Casios, in the Caucasus Mountains, and particularly in the range thereof which borders upon the southeastern corner of the Black Sea. This conclusion is confirmed by the popular connotation of *şafon* in Hebrew, viz. "north"; for, had Mt. Casios been the original Şafon, then to many of the little states of Northern Syria, with which the Israelites came into not infrequent contact in the course of their history, Yaudi for example, or Arpad or Kalneh, *şafon* would have meant "west," or even "southwest"; and had this been the case, then to Israel too, certainly well acquainted with sections of Syria which lay quite far north of Mt. Casios, *şafon* could scarcely have acquired the connotation, "north" (so also Obermann, "An Antiphonal Psalm from Ras Shamra," *JBL*, LV [1936], 22).

The solution of the problem implicit in all this is comparatively simple. Quite naturally the various little political units of the North Semitic world, for the most part, especially in Syria and Palestine in the period before the rise of the Israelite and Aramaean kingdoms, small, independent city-states like Ugarit, identified the "mountain of assembly" of the gods each with its own sacred mountain. With this, almost of necessity, and regardless of whatever the actual, local name of that sacred mountain may have been, each city-state linked the concepts and names basic to the myth itself, viz. "mountain of assembly," "mountains of El" and Şafon, therewith and localized thereon the setting and dramatic action of the original myth, of course with all the inevitable variations therein incidental to shifting of location and passage of time. In this way the name, Şafon, came in time to be attached to various sacred mountains, not only to Casios but also to the hillock upon the eastern border of Egypt (Ex. 14.9; cf. Eissfeldt, *op. cit.*), and ultimately to the Temple Mount. Other sacred mountains, Hermon for example (cf. Dussaud, "Le mythe de Ba'al et d'Aliyân d'après des documents nouveaux," *RHR*, CXI [1935], 25,

who likewise questions the correctness of Eissfeldt's identification of Mt. Casios as the true and original Şafon, and is inclined to regard the Lebanon and Anti-Lebanon Mountains, and Hermon in particular, rather than Casios, as furnishing the setting for much of the mythology of the Ras Shamra literature. In this connection it may be noted that, according to Sanchuniathon [cf. *Cory's Ancient Fragments* {ed. Hodges, 1876}, 5], Lebanon and Anti-Lebanon were regarded by the Phoenicians as mountains of a sanctity like that of Casios and Brathu [= Tabor; cf. Eissfeldt, *op. cit.*, 12 f.), or Sinai, as we have seen, even though apparently not called Şafon explicitly, were none the less endowed with many of the qualities and attributes of the original, mythological Şafon.

The assumption that this concept of the central mountain within the complex of seven mountains as the throne of the supreme deity of the North Semitic pantheon, located in the farthest north, or, more precisely, at the very northwest corner of the earth, is the original and basic form of this myth, and that its association with Mt. Casios is but the local Ugaritic form thereof, may find further corroboration in the term, oft recurring in the Ras Shamra texts, *şrri şpn*. Albright ("The North Canaanite Epic of 'Al'êyân Ba'al and Mô't," *JPOS*, XII [1932], 192) correlates the term, *şrri*, with the Akkadian *şurru*, "heart, interior." Obermann (*op. cit.*, 26, note 11) holds that the basic meaning of the term is "mount, hill, height;" but, while apparently admitting the possibility of its identification with the Hebrew *şur*, none the less he prefers to link the term etymologically with the stem *şhr*, as used in both Hebrew and Arabic. Eissfeldt (*op. cit.*, 4 and note 6) suggests more positively that *şrri* is the plural of a noun corresponding to the Hebrew *şur*, "mountain" (cf. Ex. 33.22 and "The Oldest Document of the Hexateuch," *HUCA*, IV [1927], 17; Num. 23.9; Jer. 18.14; Job 14.10; 24.8). Accepting this interpretation as the most plausible, then *şrri şpn*, "the mountains of Şafon," might very well be the entire traditional complex of seven mountains, of which Şafon is itself the central and highest peak. Thus interpreted the *şrri şpn* would be synonymous with the *mryn şpn*, "the heights of Şafon," upon which was the throne of 'Al'eyan Ba'al (cf. Bauer, *op. cit.*, 87; Albright, "The North-Canaanite Poems of 'Al'êyân Ba'al and the Gracious Gods," *JPOS*, XIV [1934], 120 f.).

However, whichever etymological interpretation of the term, *şrri şpn*, be correct, it seems justifiable to equate the term with the biblical *yark'ete* Şafon. Moreover, if the biblical term may be linked with the common word, *yarek*, "side; flank," then perhaps the *yark'ete* Şafon, "the sides or flanks of Şafon," may designate primarily the six mountains, which were, in the most literal sense, the sides or flanks of Şafon. (However for another, and perhaps more probable, etymological interpretation of *yark'ete* Şafon see below in this note.) But in any case, since in the topography of Mt. Casios there seems to be nothing whatsoever which might suggest a complex of seven mountains, since it is definitely a mountain of a single, outstanding peak, as its modern name, *Jebel 'el-'Akra'*, "the bald mountain," suggests (this name probably implies too that the top of Casios is bare, without any trees, another significant respect in



But quite naturally it was the Temple Mount which was in Jewish thought and literature most frequently identified with Şafon or invested with the qualities and attributes of Şafon.

which it would fail to conform to the full pattern of the mythological Şafon), we may see in this consideration additional evidence that the myth of the "mountain of assembly" of the gods, consisting of a complex of seven mountains, situated at the very northern edge of earth and sky, upon the shore of the vast Tehom, was not associated originally with Mt. Casios, but rather was applied to this mountain only in the local, Ugaritic form of the myth, with its manifold ramifications, in quite the same manner as it was applied to other sacred mountains or mountain complexes of the Semitic world, some of them, at least so far as general topography was concerned, corresponding much more closely than Mt. Casios to the basic pattern of a complex of seven mountains (so also Obermann, *op. cit.*, 28).

Actually from its quite possible etymological relationship to Akkadian *arkātu*, "the back side; the rear," it might seem that *yark'ite Şafon* may have connoted also "that which was behind or at the rear edge of Şafon," i. e. the place where both heaven and earth were no more, the boundary line, as it were, between earth and heaven, on the one side, and the abyss or Tehom, on the other. In this connection note should be taken again of the explicit statement of 2 Ki. 19.23 (= Isa. 37.24) that the Assyrian king found the highest point of the sacred mountain, with its forest which he ventured to cut down, at the farthest end or edge of the mountain. From this it would be but a simple step to the secondary meaning of *yark'ite*, viz. "the end, or the extreme, or deepest, or innermost point" (cf. Ex. 26.22; 36.27; 1 Sam. 24.4; Jer. 6.22; 25.32; 31.7; Ezek. 32.23; Amos 6.10; Jonah 1.5; Ps. 128.3). Not improbably too in this meaning of *yark'ite*, "end; extreme point," and in the location of the mythological *yark'ite Şafon* at the very edge or end of the earth, upon the border of Tehom, we may, with Eissfeldt (*op. cit.*, 38 f.), find the explanation of the name, Casios, viz. that Casios = *kašeh*, "end," and is therefore actually a synonym of *yark'ite (Şafon)*; for in such case the name, Casios, "end," would have been suggested by the location of this mountain at the very edge of the sea. This would also accord perfectly with the etymological interpretation of the name, Şafon, proposed by Obermann (*op. cit.*, 22), a derivative from the root, *şafaw*, and a synonym of *mišpeh*, i. e. "watch-tower, watch-point," "Lookout Mountain" in other words.

In biblical literature the specific term, *yark'ite Şafon*, seems to be used as a proper noun (Ezek. 38.6; 39.2 [contrary to Eissfeldt, *op. cit.*, 22 f.]; cf. Jer. 6.22; 31.7; 50.41), the customary name for the mythological complex of seven mountains at the northwestern corner of earth and sky, the throne of the supreme god, and therefore identical with the *har're 'El*, "the mountains of El" (Ps. 36.7), whose foundations reach so deep, and which therefore stand so firm, that very properly Yahweh's integrity (*šidqat'ka*) may be likened to them.



We have seen<sup>221</sup> that a not uncommon motif in apocalyptic speculation was that the Temple Mount, actually but little, if at all, higher than its neighboring peaks, was destined by Yahweh to be elevated, so that it would become the highest mountain of the entire earth, the center of the religious aspiration and pilgrimage of all nations and the fitting site for Yahweh's throne, when He would come upon the last day to judge all men and nations. A motif closely related to this is that recorded in 1 Enoch 25.4 ff., viz. that on this last day the tree of life will be transplanted from its original location, upon the highest of the seven mountains, in the immediate vicinity of the divine throne, to the holy place, the Temple of the Lord, upon the Temple Mount at Jerusalem, now become the highest mountain of the entire earth, the new Šafon as it were. Here the fruit of the tree of life will be given to the righteous for food, so that from their eating of it length of life, in happiness and peace, may be granted to them as their reward.

This very same apocalyptic expectation finds expression in Ps. 92.13-15:

The righteous shall flourish like the palm tree;  
 Like the cedar on Lebanon he shall grow.  
 Transplanted<sup>222</sup> to the house of the Lord,  
 In the courts of our God shall they flourish;  
 Still in old age shall they bear fruit;  
 Vigorous and verdant shall they be.

The reference in vv. 14-15 is primarily to the palm and cedar; only in v. 16 does the Psalmist return specifically to the righteous of v. 13.<sup>223</sup> In vv. 14-15 it is the palm and the cedar quite as much as the righteous, which are to be transplanted to the Temple courts, there to continue to flourish, so that still in old age, just as the cedar will be vigorous and verdant and the palm will bear fruit, so also will the righteous. These are not at all the ordinary

<sup>221</sup> Above, pp. 47 ff.

<sup>222</sup> For *šatal* in the connotation, "to transplant," as well as "to plant," cf. Ezek. 17.8, 10, 22, 23; 19.10.

<sup>223</sup> Note that in v. 13 the two verbs are in the singular, with *šadiḳ* as their subject, while in vv. 14-15 all four verbs are in the plural, obviously with *tamar* and *'erez* understood as their subject.

palm and cedar, the species in general. Rather, the idea basic to this passage is the same as that of 1 Enoch 25.4 ff., viz. that on the last day the tree of life is destined to be transferred to the Temple at Jerusalem, where Eden or Paradise will then be located. There the righteous and pious will be gathered and, as a part of their reward, they will be given the fruit of the tree of life as food, with the result that their existence will be prolonged immeasurably, and their physical powers will be perpetuated.<sup>224</sup> This thought is not mentioned specifically, but unquestionably it is definitely implied, in Ps. 92.13–16. The tree of life is here represented both as a palm, as in 1 Enoch 24.4, and as a cedar. Both concepts were current in Semitic mythological literature.<sup>225</sup> This motif of the transfer, upon the last day, of the garden of Eden, the garden of God, with both the tree of life and the divine throne in it, from its original location upon Šafon, to the new Šafon, the Temple Mount, and specifically to the courts of the

<sup>224</sup> One of the effects of the prolongation of the life-span and perpetuation of the physical powers of the righteous will be that they will have numerous progeny and posterity and will, of course, live to behold them all and enjoy their companionship (cf. Charles' introduction to 1 Enoch, par. 11a *op. cit.*, 184); just this is, of course, the import of Ps. 92.13–16, that just as the palm and the cedar, so also the righteous in their old age, spent in Eden in the Temple courts, will be vigorous and verdant and will bear fruit. It is this condition of longevity and retention of physical powers by the righteous, rather than the praise of God which may spring from their lips, which, according to v. 16, will demonstrate convincingly that Yahweh is truthful, that there is no duplicity in Him, and that He keeps His word and rewards the righteous as they deserve.

<sup>225</sup> Cf. Albright, "The Mouth of the Rivers," *AJSL*, 35 (1918–1919), 176–185; "The Goddess of Life and Wisdom," *AJSL*, 36 (1919–1920), 283; also May, "The Sacred Tree on Palestine Painted Pottery," *JAOS*, 59 (1939), 251–259. The representation of the tree of life as a palm may perhaps be regarded as of southern origin, the result of the reworking, in a southern and truly Semitic environment, of the original, northern, and perhaps non-Semitic, concept of the tree of life as a cedar. This latter concept would naturally be native to a northern environment, and particularly to one of the mountains or mountain ranges, such as the Amanus or the parallel ranges even farther north (cf. Delitzsch, *Paradies*, 101–107; Albright, *op. cit.*). That in Ezek. 17.1–10, 22–24 the sacred tree is represented as a cedar evidences clearly that the mythological concept underlying this picture came to Israel from the north, in this particular case, as v. 3 indicates, from the Lebanon district.

Temple, there to be the abode and place of reward of the righteous, found quite frequent expression both in prophetic writings and in later apocalyptic speculation and literature.<sup>226</sup> Manifestly it went hand in hand with the concept of the elevation of the

<sup>226</sup> Cf. Isa. 60.21–22; 61.3; Ezek. 17.22–24. According to Rev. 22.1–3 the river of life, with the tree of life on both its banks, flows forth from the divine throne, situated in the heavenly Jerusalem, into which the garden of righteousness has been transformed. The new Jerusalem descends from heaven upon a mountain great and high (21.10; cf. Syb. Or. V, 247–255). This is obviously the Temple Mount, now elevated upon this, the last, day, just as Isa. 2.2 and Mic. 4.1 foretold (cf. also 4 Ezra 13.6, 36), to be the highest mountain of the entire earth. The heavenly Jerusalem is perfectly square in shape, and is oriented squarely to the four cardinal directions (Quite similarly the four corners of the Babylonian temple-tower at Ur were oriented precisely to the four cardinal directions; cf. Gressmann, *AOTB*,<sup>2</sup> II, no. 663 and p. 189), and has twelve gates, three on each side (vv. 12–13). It is located impliedly in the exact center of the earth (cf. Ezek. 5.5; 38.12; Syb. Or. V, 247–255), and is the microcosm, of which the earth itself, as depicted in 1 Enoch 33–36, is the macrocosm. Obviously then, according to Rev. the mountain of God, Şafon, with the garden of righteousness surrounding the divine throne and with the tree of life within the garden, has been transferred to the Temple Mount, precisely as 1 Enoch 25.5–6 announces. Moreover, as Rev. 22.14–15 states, it has become the abode of the righteous, while the wicked and impious, destined for punishment, are excluded just outside its gates.

This same concept is, of course, basic to Ezek. 47.1–12. There too the river of life issues forth from within the Temple, situated upon a very high mountain (40.2; 43.12; cf. Joel 4.18b; Ps. 46.5; 1 Enoch 26.1–3). Upon both its banks is the tree of life, together with the other trees of the garden, whose leaves do not wither, and whose fruits are for food and healing, and thus impliedly confer length of life upon all those who are privileged to dwell in the garden, unquestionably the righteous and elect. Manifestly we have here another and a quite graphic record of the tradition recorded in 1 Enoch 25, of the transfer, upon the last day, of the divine throne, with the tree of life nearby and the garden of righteousness surrounding it, from its original location upon Şafon, far to the north, to the Temple Mount at Jerusalem, and the elevation of this to be the highest mountain of the earth (cf. also Rev. 2.7; Testament of Levi, 18.11; Targum [both Yerushalmi and “Fragmententargum”] to Gen. 3.24; also Ginzberg, *Legends*, V, 105, note 96; Charles, *Eschatology*,<sup>2</sup> 290 f.). According to Albright (“The Mouth of the Rivers,” *AJSL*, 35 [1918–1919], 191), already in the religious concepts of Babylonia in the third millennium B. C. the garden of the supreme deity upon the summit of Mt. Aralû in the far north was the abode after death of the kings, the elect of men, the obvious forerunners of the righteous in later Judaism.

Temple Mount upon the last day, with all its attendant circumstances.<sup>227</sup>

<sup>227</sup> Not at all improbably this apocalyptic expectation of the sudden elevation of the Temple Mount upon the last day (cf. also Syb. Or. V, 247–255) must be linked with the eschatological tradition of the great earthquake which is also to happen upon this day (cf. above, note 154). The sudden elevation of the Temple Mount would be one of the chief effects of the earthquake. But another corresponding effect would be the enlargement of the Valley of Hinnom and consequently the opening up of a vast abyss in front of the Temple Mount. Whereas Zech. 14.6–10 seems to refer to the transfer of the garden of the Lord from the far north, with the tree of life and the throne of God in it (notice in v. 8 the reference to the stream of living waters flowing forth from Jerusalem upon this day [cf. note 226]; notice also the reference to the enthronement of Yahweh upon this day as sole king of the entire universe), vv. 4–5 describe in graphic detail the splitting of the Mount of Olives and the extension of the Valley of Hinnom, so that it should reach to the very edge of the Temple Mount (reading *וַיִּהְיֶה הָרִים לְיָמִין* for *וַיִּהְיֶה הָרִים לְיָמִין* in v. 5; cf. Proksch in Kittel, *Biblia Hebraica*).

Moreover, while not specifically stated, the general idea of vv. 4–10 seems to be that, just as on the last day the garden of God would be translated from the original Šafon, in the far north or northwest, to the Temple Mount, the new Šafon, so also would the abyss, the *bor* or Sheol, likewise be translated at the same time. And just as originally the *bor* lay on the far side and at the very foot of Šafon, so now would the new abyss lie at the very foot of the new Šafon, the Temple Mount, in other words, in the Valley of Hinnom (cf. 1 Enoch 90.26; also chapters 26–27 and Burch, *Anthropology and the Apocalypse*, 131 ff.). Thus it came about that in both Jewish and Christian apocalyptic literature the Valley of Hinnom, or Gehenna, came to be regarded as the great abyss and the place of waiting or of punishment of the wicked (cf. 1 Enoch 26.4–27.3; 4 Ezra 7.36–38), with the resultant and not infrequent confusion of the Valley of Hinnom, or Gehenna, with the original abyss beyond the northern end of the earth. Quite naturally too later Jewish tradition came to tell that one of the three entrances to the netherworld lay in this Valley (Ginzberg, *Legends*, V, 19, note 55).

It is not at all improbable that the practice of burning children as sacrifices in the Valley of Hinnom, so common in the pre-exilic period (cf. Eissfeldt, *Molk als Opferbegriff im Punischen und Hebräischen und das Ende des Gottes Moloch*), may have contributed not a little to this eschatological identification of the Valley of Hinnom with the mythological fiery abyss of the far north.

Obviously a corollary to this apocalyptic doctrine, if such it may be called, of the transfer on the last day of both the garden of God and the abyss lying at its foot from their original location at the northern end of the earth to Jerusalem, its center, with the garden on the Temple Mount to become the abode and place of reward of the righteous and the enlarged abyss in the Valley

From all this evidence it is clear that from about the end of the sixth century B.C. on there was a positive tendency in Jewish circles to identify various sacred mountains of Jewish tradition, and particularly the Temple Mount, with the mythological Şafon in precisely the same manner as a thousand years earlier the people of Ugarit in their literature identified their sacred mountain, Casios, with Şafon, as the people of southeastern Syria and northern Palestine seem also to have identified Hermon with Şafon, and in somewhat the same manner as the Babylonians seem to have envisaged Şafon in their seven-staged temple-towers.

Actually it would appear that this identification of the Temple Mount with Şafon would be easier and more ready to hand than the identification of almost any other sacred mountain with Şafon. For by a very slight stretch of the imagination Jerusalem may be regarded as a city built upon seven hills or mountains,<sup>228</sup>

of Hinnom, at the foot of the Temple Mount, to become the place of punishment of the wicked (this idea seems to be basic to Ps. 16.8-11) is the doctrine that an important part of the reward of the righteous will be that thus with their own eyes they will behold the sufferings of the wicked and see therein the proper compensation for their own sufferings at the hands of these their oppressors in this life (cf. Isa. 66.24; Mal. 3.18-21; Ps. 91.8; perhaps also Ps. 59.11; 92.12; 118.7; 1 Enoch 27.2-3; 48.9; 4 Ezra 7.36-38; Assump. Mos. 10.8-10). Correspondingly, a part of the punishment of the wicked is that they, in turn, while suffering in the abyss below, must behold the blessed state of the righteous in Paradise just above them (1 Enoch 27.2-3).

A graphic illustration of many of the significant details of this entire concept may be seen in the so-called Ezekiel panel in the now famous synagogue of Dura (cf. Wischnitzer-Bernstein, "The Conception of the Resurrection in the Ezekiel Panel of the Dura Synagogue," *JBL*, LX [1941], 43-55, and especially pp. 44, 45, 49). There, clearly depicted, we behold what is undoubtedly the Temple Mount, split into two parts. Between the two parts a deep ravine is represented in black color. Upon the summit of each of the two mountains, resulting from the split, a tree, undoubtedly the tree of life, stands straight and unshaken. Above each mountain the Deity is represented symbolically by a pair of divine hands, reaching down from heaven, thus fulfilling the prediction of Zech. 14.4, that on this great day the Deity would stand with His feet resting on the two mountains. At the foot of the mountain lie the dead of both Judah and Israel, about to be restored to life; for it is the last day, the Day of Yahweh, the Day of Judgment and Resurrection.

<sup>228</sup> In this connection the statement in Pirke R. Eliezer 10, that Jerusalem was set upon seven hills, is most illuminating.



viz. the three peaks of the Mount of Olives on the east, Ophel or the original Zion, and the hill west of the Tyropoean Valley on the south,<sup>229</sup> Acra to the northwest and the Temple Mount itself in the center, as it were. Moreover, in 1 Enoch 18 and 24, as we have seen, the seven mountains are arranged in the form of a right angle, with Şafon, the mountain of the divine throne, at the apex of the angle and therefore at the natural center of the complex. These seven mountains could not be conceived of in this picture as arranged in any other way, since they stood at the northwest corner of the earth. But, as we have learned, in Jewish apocalyptic speculation the Temple Mount, the mountain of the divine throne, was destined to become upon the last day, among other things, the absolute center of the earth.<sup>230</sup> Accordingly the location of the Temple Mount at Jerusalem, almost in the center of the circle or square formed by the six other mountains, fitted precisely the new role which the mountain of the divine throne was expected to play as the center of the earth, the center of all things, in the new dispensation. Moreover, as we have likewise seen, the location of the Valley of Hinnom in close proximity to the Temple Mount and its ready identification with the abyss lying just beyond Şafon facilitated this identification of the Temple Mount with Şafon and of its entire setting with *yark'le Şafon* not a little.<sup>231</sup>

Returning now to Ps. 48 and its interpretation, we are in a position to comprehend the full implication of the statement of v. 3 that Mt. Zion is *yark'le Şafon*. In his enthusiasm at this, his first, exhilarating sight of the Temple Mount in all its beauty and majesty, the Psalmist spontaneously identifies it with Şafon. The passage need not be regarded as specifically apocalyptic. The Psalmist is expressing a present emotion and not a future hope. Yet the age in which he lived and wrote was rife with apocalyptic speculation, and his own thought and vision could not but be affected thereby. Therefore, in his overwhelming joy at beholding the Temple and its Mount and the holy city for the

<sup>229</sup> Cf. 1 Enoch 26.1-5 for the three mountains forming the southern side of this square, of which the Temple Mount was the center.

<sup>230</sup> Cf. above, note 148.

<sup>231</sup> Cf. Burch, *Anthropology and the Apocalypse*, 123-138.



first time and finding them fulfilling all his most vaulting expectations, he can exclaim in vv. 2b $\beta$ -3:

Of majestic elevation is His holy mount,  
Joy of the entire earth;  
Mount Zion is *yark<sup>te</sup> Şafon*,  
Citadel of the mighty King.

The "mighty King" is Yahweh, the "great King" of Mal. 1.14b, the "holy Great One, the radiant Lord, the eternal King" of 1 Enoch 25.3. And Mt. Zion, the Temple Mount, the Psalmist can declare with assurance, is indeed of majestic elevation, is truly to be identified with Şafon, or even with *yark<sup>te</sup> Şafon*, is the citadel of Yahweh. There, in the Temple, upon the very summit of the Temple Mount, is Yahweh's throne,<sup>232</sup> where, upon each recurrent New Year's Day, He is enthroned anew as universal King.<sup>233</sup> There the "host of heaven" assembles about Him in divine council,<sup>234</sup> and thither the nations are summoned, in the so-called "enthronement psalms," to gather for homage to Yahweh and for judgment by Him and the determination of fates for the new year now beginning.<sup>235</sup> All this and perhaps even more is implicit in the Psalmist's declaration that Mt. Zion is *yark<sup>te</sup> Şafon* and the citadel of the mighty King.

## VII

### "TO THE VERY LAST GENERATION"

One other passage is indicative of the approximate date of this Ps. Vv. 14b-15 read:

That you may relate to the very last generation  
That this very Yahweh is our God;  
He (it is who) will forever guide us (upon our pilgrimage).

<sup>232</sup> The concept that Yahweh's throne is in heaven (Ps. 11.4; 103.19; also Isa. 66.1) no doubt expressed the old North Semitic mythological idea that the throne of El was upon Şafon, "the mountain of assembly (of the gods)" in the far north (cf. Isa. 14.13), the mountain whose foundations extend down to the lowest depths (cf. above, note 166), and whose head reaches up into heaven itself.

<sup>233</sup> The true implication of the so-called "enthronement psalms;" cf. Gunkel, *Einleitung in die Psalmen*, 94-177.

<sup>234</sup> Cf. "The Mythological Background of Psalm 82," 40 ff.

<sup>235</sup> Cf. especially Ps. 29; 76; 96; 98; 99; also Deut. 32.36-42.

This motif of recording the wondrous deeds and acts of grace of Yahweh, whether manifested in nature or performed particularly in behalf of Israel, so that they may be communicated to future generations, to the end that these generations may learn to know Yahweh and that their faith in Him may become deep and firm, is one of the commonest and most insistent in all post-exilic biblical writings. Naturally it finds most frequent expression in the psalms, since it is, speaking broadly, in one aspect or another, the basic theme of the psalms.

But in other sections of the Bible of manifestly post-exilic composition it finds equally insistent and illuminating expression. One of the most interesting forms is the charge that when in the future<sup>236</sup> thy son will ask thee, "What are the testimonies and statutes and ordinances which Yahweh, our God, commanded you?", then thou shalt tell thy son, etc.<sup>237</sup> The constant theme in this particular setting seems to be Yahweh's miraculous deliverance of Israel from Egyptian bondage, His settlement of them in Palestine and His fulfillment in this manner of His promise to the patriarchs. Unquestionably these passages have a ritualistic implication. The recounting of Yahweh's deliverance of Israel in this manner is a ceremonial act, precisely as is the recital of those psalms which glorify Yahweh and recount His mighty deeds. This was what came to be known in the worship and literature of the post-exilic age as תהלה, "praise." It was an integral and essential part of the formal worship of Yahweh in both the synagogue and the home. It was altogether independent of, and supplementary to, the even more formal sacrificial worship of the Temple. The recounting in this manner of the wondrous deeds of Yahweh and the praise of His goodness, faithfulness, justice and mercy constituted the "sanctification of His name" and served to establish His reputation as the one, universal God both in Israel and also, theoretically at least, among the nations. It was a simple ritual procedure which grew quite naturally out of the doctrine of "for His name's sake."

<sup>236</sup> מחר.

<sup>237</sup> Deut. 6.20-25; Ex. 10.2; 13.8-9, 14-16; all these passages are likewise RD interpolations.

In particular the ritual procedure envisioned in Deut. 6.20–25 is undoubtedly connected with the supper in the home upon the eve of the Passover, which has come to be known in Jewish tradition and practice as the “Seder” or the “Haggadah.”<sup>238</sup> That it was an established religious institution in the time of Jesus is, of course, amply attested by the Gospels. The legislation for it is recorded in Ex. 12.3–11, a section of P, and therefore of post-exilic composition.<sup>239</sup> This establishes conclusively that this institution was current already fairly early in the post-exilic period. In actual effect this P legislation repeals the D1 legislation recorded in Deut. 16.1–7, which commanded the sacrifice and eating of the Paschal lamb at the single central sanctuary. The P legislation restores the sacrifice of the Paschal lamb with all its attendant rites to its original state as a ceremony of vital importance performed, not at the sanctuary, but at the home, and designed to protect the home from invasion by evil spirits, particularly the spirits of the dead.<sup>240</sup> That the ritual acts of this sacred meal in the home were supplemented by a spoken ceremonial of some kind, is beyond question. Deut. 6.20–25 records one detail of this attendant spoken ceremonial, a rite which has persisted in Jewish practice to the present day. It was a characteristic ceremony of praise of Yahweh and extolling of His might and of His protection and favor of Israel.

Furthermore, it is almost self-apparent that this ceremonial procedure of praise of Yahweh and recounting of His mighty acts and His beneficence to Israel and to all mankind, directed particularly to the end that future generations might find therein

<sup>238</sup> Cf. *JE*, XI, 142 ff.

<sup>239</sup> Note that the parallel J legislation in Ex. 12.21–23 provides only for the ritual smearing of the blood of the Paschal lamb upon the doorway, but makes no mention whatever of a ritual meal with the necessary attendant ceremonial.

<sup>240</sup> With this interesting and important matter I shall deal, in detail and with full presentation of evidence, in my oft-cited work, *Rites of Birth, Marriage, Death and Kindred Occasions among the Semites*, whenever freedom from pressing administrative duties will permit me to finish that study. Meanwhile note that the form of the ceremony recorded in J, certainly a pre-Deuteronomic writing, is celebrated at the home, and not at a sanctuary, either local or at Jerusalem.

strengthening and deepening of faith and so renew their allegiance to Yahweh, not only grew out of the doctrine of "for His name's sake," but also is basically dependent upon Jeremiah's doctrine of the new and eternal covenant of Yahweh with Israel; for only therein is there the basic assurance of a future for Israel and of enduring and unbreakable covenant relations between Yahweh and the generations to come. Also it is clear that in the principle underlying this doctrine and ritual practice, viz. that the most convincing evidence of the truth of Yahweh's existence and universal power and of His favor towards Israel and His covenant with it may be seen in the record of His marvellous deliverance of Israel from Egypt, with all its attendant circumstances, and of His subsequent unfailing care of Israel, in other words in Israel's history, the direct influence of Deutero-Isaiah's fundamental doctrine of "God in history" may be discerned. All this cumulative evidence points unmistakably to the conclusion that all this extensive biblical literature, in which this particular motif finds such vigorous expression, must come from the post-exilic period and cannot, under any circumstance, be older than Deutero-Isaiah. The significance of these considerations for the proper interpretation of vv. 14b-15 is self-evident.

These various considerations, the dependence of Ps. 48A upon the doctrines of "for His name's sake" and of Yahweh as the universal King, the identification of Mount Zion with Şafon, and the import of vv. 14b-15, establish with absolute certainty that it is a post-exilic composition, later than Jeremiah, Ezekiel and Deutero-Isaiah. Yet, as we have seen, the description of Jerusalem which the Ps. gives, a city with a wall, towers and palaces, and in which the Temple is standing, a city flushed with joy and pride and imbued with a deep faith that it was favored of Yahweh and could therefore look forward confidently to a long and glorious future, forbids our dating the Ps. later than the great national catastrophe of 485 B.C. All this points conclusively to a date somewhere between 516 or, more specifically, 500 and 485 B.C. for the composition of this beautiful and stirring Ps.

## VIII

## THE INTERPRETATION OF PS. 48A

The interpretation of Ps. 48A now becomes relatively simple. The excision of vv. 5-8 removes every suggestion of a specific historic background for the Ps. and so eliminates the chief grounds for the grave confusion and uncertainty which have characterized its interpretation in the past. In the first place it disposes completely of the interpretation of the Ps. in a specific historical setting, whether this be that of the reign of Senacherib or of some particular event of the Maccabaeian period. But equally Gunkel's eschatological interpretation of the Ps. loses its very first premise, since, with the excision of vv. 5-8, the hostile kings disappear from the scene completely.

For the same reason, although perhaps to a somewhat less degree, does this consideration necessitate the rejection of the hypothesis first proposed by Mowinckel,<sup>241</sup> and later expanded by Johnson, that the Ps. constitutes the spoken ritual associated with a festal celebration, which commemorated, in part at least, Yahweh's triumph over His enemies, and which was attended by a ritual procession and also by a mimetic representation of Yahweh's struggle and victory; for with Mowinckel at least Yahweh's enemies are symbolized by the foreign kings of v. 5, who presumably assemble against Him. Moreover, while vv. 13-14a might, in a pinch, particularly if they stood alone or in a more specific setting, be construed as the command to make a journey about Jerusalem, and while doing so to note its magnificence, actually there is absolutely nothing in these vv. which in any way suggests a formal, and still less a ritual, procession. A ritual procession would have concerned itself much more directly with considerations of the Deity and of His acts than with the physical splendor of the holy city.

Johnson would see in the last word of v. 15 a specific mention of Mot, the North Semitic deity of the netherworld, the adversary of 'Al'eyan-Ba'al in Ugaritic mythology, here represented as the constant enemy of Yahweh and His people, over whom, however, after bitter struggle, Yahweh gains a glorious victory. This

<sup>241</sup> Cf. above, p. 3.

hypothesis is exceedingly attractive, and all the more so since there are definite indications that Mot and the netherworld did play a not insignificant role in the mythological speculation of certain Jewish circles in Palestine in the early post-exilic period. But this interpretation of מוֹת in v. 15 is altogether conjectural; nor is there any reference whatever elsewhere in the Ps. to justify this interpretation. Various commentators<sup>242</sup> would link עַל־מוֹת with the beginning of Ps. 49, and for this there seems to be reasonable justification. However, with this transfer Ps. 48A would end very abruptly, both in metrical form and thought content. For this reason the comparatively minor emendation of עַל־מוֹת to עוֹלָם וְעַד, as we have suggested,<sup>243</sup> seems preferable. But with this Mot disappears completely as the adversary of Yahweh in this Ps. along with the other enemies supposedly referred to in vv. 5-8.

Finally, Johnson would render דַּמִּינוּ of v. 10 "we have planned," a meaning which he derives from what he regards as a primary connotation of the verb, דָּמָה, in the *pi'el*, "to picture." But even if it be granted that this primary meaning can be justified, which is by no means certain, none the less it is difficult to conjecture how "to plan" may be derived therefrom; and still more difficult is it to imagine precisely what "we have planned Thy devotion" can mean or how, with the best intentions in the world, this can in any way indicate a ritual or mimetic act. Therefore, despite Johnson's confident claim that with this interpretation of the Ps. "we have conclusive evidence for the existence of ritual drama" in ancient Israel, we must reject completely this interpretation of the Ps., both Mowinckel's original interpretation and Johnson's expansion thereof. Ritual or mimetic drama there may have been in ancient Israel; but certainly Ps. 48A is not an instance nor offers the slightest evidence thereof.

We are compelled therefore to return to the interpretation of those scholars who regard the Ps. as of pilgrimage character, the chant or utterance of a body of pilgrims coming up to Jerusalem to join in the celebration of one of the three annual pilgrimage

<sup>242</sup> Cf. Buhl, in Kittel, *Biblia Hebraica*,<sup>3</sup> and May, "Al . . . in the Supercriptions of the Psalms," *AJS*, LV (1941), 77 f.

<sup>243</sup> Above, p. 20.



festivals.<sup>244</sup> But there is neither need nor justification for looking so far afield as those scholars who, speaking in the broadest terms, hold that these pilgrims come from somewhere in the Diaspora, and still less justification for subscribing to the more specific conclusion of Duhm and Bertholet, based, it must be admitted, upon very precarious grounds, that these pilgrims came from somewhere in Egypt. On the contrary, the identification of Mount Zion with *yark'ete Šafon*, with its hint that in the minds of these pilgrims North Semitic mythology held a significant place, suggests that these pilgrims in all likelihood came from the north, most probably from Galilee.<sup>245</sup> It is undoubtedly a Galilean pilgrimage psalm, precisely as Ps. 42–43 unmistakably is, and as are not improbably a few other psalms.<sup>246</sup>

As has been suggested,<sup>247</sup> the Ps. seems to voice the joyous reactions of a devout pilgrim or body of pilgrims beholding the holy city for the first time and finding it, at this first glance, equalling or even exceeding rumor and expectation.<sup>248</sup> The assumption that the pilgrims in question came from Galilee, and by the customary route leading through Trans-Jordan and approaching Jerusalem over the Mount of Olives, almost enables us to fix the precise geographical setting of the Ps., the vantage-point from which these Galilean pilgrims got their first, exhilarating view of the city of their hopes and longings. In his account of the Mount of Olives<sup>249</sup> Warren writes, "The road on leaving Bethany passes over a spur of Olivet which runs out to the south-east; from here a view is obtained of the southern part of the Holy City; then the road descends into a hollow, and mounting again by a rugged ascent it reaches a ledge of smooth rock from which the whole city bursts into view. This point is opposite to the south-east angle of the temple enclosure and considerably above it. 'Nowhere else on the Mount of Olives is there a view like this. By the two other approaches, one being over the summit and one over the northern shoulder of the hill, the city reveals

<sup>244</sup> Cf. above, p. 2.

<sup>245</sup> Cf. "The Mythological Background of Psalm 82," 123 f.

<sup>246</sup> Ps. 84 and perhaps also Ps. 122; cf. Gunkel, *op. cit.*, 309–311.

<sup>247</sup> Above, pp. 86 f.

<sup>248</sup> V. 9.

<sup>249</sup> DB, III, 619a; quoting Stanley, *Sinai and Palestine*, 193.

itself gradually; there is no partial glimpse, like that which has just been described as agreeing so well with the first outbreak of popular acclamation, still less is there any point where, as here, the city and temple would suddenly burst into view, producing the sudden and effective impression described in the Gospel narrative.'"<sup>250</sup> Certainly pious pilgrims, coming from Galilee, with an imaginary picture of the holy city, based entirely upon the reports of earlier pilgrims, deeply embedded in their yearning hearts, and now confronted with an actual vision of the holy city, bursting upon them in all its splendor, might well exclaim:

Of majestic elevation is His holy mount,  
 Joy of the entire earth;  
 Mount Zion is *yark'ete Safon*,  
 Citadel of the mighty King.  
 In her palaces God is recognized as a tower of strength;  
 May God establish her forever.  
 Even as we have heard, so do we behold  
 The city of Yahweh, our God.

And in their infectious enthusiasm they might well declare to one another:

Go round about Zion and make the circuit of her;  
 Enumerate her towers;  
 Take note of her wall;  
 Give heed to her palaces;  
 That you may relate to the very last generation  
 That this very Yahweh is our God;  
 He (it is who) will forever guide us (upon our pilgrimage).

With this description of Jerusalem we may well compare another, less direct and spontaneous and more artificial no doubt, yet voicing much the same deeply reverent and exulting spirit:<sup>251</sup>

The city which God loved He made more radiant than the stars and the sun and the moon; and He set it as the jewel of the world, and made a temple exceeding fair in its fair sanctuary, and fashioned it in size of many furlongs, with a giant tower touching the very clouds<sup>252</sup> and

<sup>250</sup> The reference is to Luke 19.37, 41.

<sup>251</sup> Syb. Orac., V, 420-427 (Lanchester's translation) in Charles, *Apocrypha and Pseudepigrapha of the O. T.*, II, 405.

<sup>252</sup> Again the motif of the throne of Yahweh, here, of course, located in the Temple, being set above the clouds, i. e. in the heavens; cf. above, note 232.

seen of all, so that all the faithful and all the righteous may see the glory of the invisible God, the vision of delight.

And not only can we, with reasonable probability, fix the spot upon the Mount of Olives from which this glorious and inspiring vision was beheld by the expectant pilgrims, but also with even greater probability can we fix the occasion. That it was a festival pilgrimage is self-evident; but which festival? Here the reference to the rejoicing of the maidens of Judah in v. 12 furnishes the clue. For on two festivals each year it was customary for the maidens of Jerusalem to go out and dance in the vineyards, while the young men stood about and from the ranks of the dancers selected their future wives.<sup>253</sup> The one festival was that extending from the 9th through the 15th of the fifth month; but this was not one of the three annual pilgrimage festivals and so could not have been the occasion for the pilgrimage which this Ps. records. The other festival was the greatest festival of the religious year, the Asif-New Year's Day, extending over the last seven days of the year and reaching its culmination in the celebration of the New Year's Day upon the first day of the new year, upon the 10th of the seventh month.<sup>254</sup> It was upon this day, the great day of the festival, that the dances of the maidens in the vineyards occurred. This entire festival, covering eight days, was generally referred to as *הַחַג*, "the Festival," the pilgrimage festival *par excellence*. This must have been the festival which occasioned the pilgrimage of the Galilean pilgrims, whose piously joyous emotions Ps. 48A records so stirringly.

And with this we may leave this beautiful Ps., believing not only that we have interpreted it faithfully in the light of the religious beliefs and practices of its day, the period about 500 B.C., but also that in so doing we have illumined somewhat some of the most interesting and significant of these beliefs and practices.

<sup>253</sup> Cf. "Two Ancient Israelite Agricultural Festivals," *JQR* (new series), VIII (1917), 31-54.

<sup>254</sup> Cf. "The Three Calendars of Ancient Israel," *HUCA*, I (1924), 22-64.



## REVELATIONS OF TORAH AFTER SINAI

### An Aggadic Study

BERNARD J. BAMBERGER, Albany, N. Y.

THE giving of the Torah at Sinai was a favorite theme of the Aggadists.<sup>1</sup> Lengthy and extended are their comments and elaborations upon the Biblical story. In considering their discussions on the subject, the reader discovers a significant fact. Most of the Aggadot either imply or state plainly, that during his forty days on the mount, Moses received the Torah in absolutely completed form. The Bible tells only that God gave Moses stone tablets, on which the Decalog was inscribed; but some Rabbinic sources mention also a scroll given at the same time.<sup>2</sup> Tradition reports, moreover, that Moses was instructed in the oral as well as in the written Torah; not alone Mishnah and Gemara, but even the novel interpretations yet to be discovered were included in the revelation at Sinai.<sup>3</sup> At the end of forty days there was nothing left to be revealed.

The opinion that the oral law was given simultaneously with the written Torah is easily understood. Its polemic intent is not alone obvious from the historical background, but is made clear in the sources themselves.<sup>4</sup> But the notion that the entire revelation was completed during the forty days spent by Moses

<sup>1</sup> This monograph constitutes the last chapter of a larger work, dealing with the Revelation at Sinai, as treated in the Aggadah. In the citations that follow, I use the same method of citing and the same abbreviations used in the notes of Ginzberg's "Legends of the Jews." I refer to this work simply as "G," followed by vol., p., and n.

<sup>2</sup> Yer. Shek. 6, 49d and Soṭ. 8, 22d; Shir 5.11, end; DR 3.12; ShR 47.6; Tan. B. II, 120; Tan. Tissa 37, Yitro 16.

<sup>3</sup> Sifra *Behar*, parashah 1, *Behukkotai*, *perek* 8; Ber. 5a; Meg. 19b; Yer. Peah 2, 17a; Meg. 4, 74d; Hag. 1, 76d; WR 22.1; Koheleth 1.10, 5.8; Tan. B. II, 116; ShR 47.1. Cf. Sybilline Oracles, III, 256, 257.

<sup>4</sup> See, e. g., Tan. B. I, 88; Tan. *Vayera* 5; PR 5, 14ab. Cf. G, VI, p. 60, n. 308.



on Mount Sinai creates greater difficulties. For it contradicts flagrantly the plain text of Scripture. The last three books of the Pentateuch contain numerous revelations, many of them legal, which occurred after Moses had left the holy mountain; most of them are associated with the "Tent of Meeting." Four instances are reported in which Moses is faced with a legal problem which he cannot solve, and is compelled to turn to God for special instruction. In a good many cases Aaron (who by all accounts did not ascend to the top of Sinai) is mentioned together with Moses as a recipient of the revelation; in three passages he receives the commandment alone. Why should the Aggadists have taken a stand that clashed with so many clear cut scriptural utterances? To examine this problem is the purpose of this paper.

Before coming to our main theme, however, it is proper to present a few passages in which the notion of post-Sinaitic revelations is accepted. Moses, declares a Midrash, thought that his work was done when the Tabernacle was completed. Then God said to him: "By thy life, thou hast still a task greater than all thou hast yet done — to teach My children the laws of purity and impurity, and to instruct them how to bring Me offerings."<sup>5</sup> The very day that the Tabernacle was set up, says R. Levi, eight important sections of the Torah were revealed. They concern the care of the Tabernacle, the priesthood and Levitical service, and the avoidance and correction of ceremonial impurity. These laws are to be found in widely separated sections of Leviticus and Numbers.<sup>6</sup>

Thenceforward Moses received numerous revelations at the Tent of Meeting. In this connection, he adhered to a certain ritual. Moses would not enter the Tabernacle until he heard the call, "Moses, Moses!" Then he would answer, "Here am I!" as he had done at the burning bush.<sup>7</sup> (But according to R. Simeon

<sup>5</sup> Tan. B. III, 4-5; Tan. *Vayikra* 3.

<sup>6</sup> Git. 60a; the sections are Lev. 21; Num. 8.5-26; 9.6-14; 5.1-4; Lev. 16; 10.8-11; Num. 8.1-4; 19. But Sifre Z. 55 states that 15 sections were revealed on that day, namely those beginning Lev. 1.2; 6.2; 9.2; 10.9; 17.3; 18.3; 19.2; 21.1; Num. 5.2; 6.23; 7.5; 7.11; 8.2; 3.45; 19.2.

<sup>7</sup> Sifra, beginning; BaR 14.21.

b. Johai, Moses had the privilege of entering the Tabernacle and speaking with God any time he wished, as proved by Num. 7.89.)<sup>8</sup>

On his first entrance into the Tabernacle, "Moses heard a pleasant and lovely voice. Formerly Moses would stand and the divine word would enter his ear as by a sort of tube, and none of the Israelites would hear it — only, when Moses' face reddened, they knew that the Divine Utterance was with him. But when the Tabernacle was built, he heard a pleasant voice. What did he hear? (Ps. 85.9) 'He will speak peace unto His people.'"<sup>9</sup> Elsewhere the revelations *within* the Tent of Meeting are said to have entered Moses' ear by a tube. Some passages describe the tube as fiery;<sup>10</sup> another emphasizes the fact that the tube permitted direct communication from God to Moses, so that the angels could not "listen in."<sup>11</sup> But (with a single exception just cited) the earlier sources do not mention a celestial speaking tube. They merely explain the Biblical statement that Moses heard the voice issuing from the cover of the ark at a point between the two cherubim. This explanation, given in the name of Akiba, led his disciple, ben Azzai, to remark: "How dear Israel must be to God, if for their sake His Omnipresence was compressed into the little space between the cherubim!"<sup>12</sup>

Although the voice which Moses heard was loud and clear, it was inaudible outside the tent. The words "from the tent of meeting" (Lev. 1.1) mean that the voice was abruptly cut off when it reached the door of the tent.<sup>13</sup> This arrangement relieved

<sup>8</sup> Sifre Z. 58. R. Simeon here contradicts the view (intended to harmonize Ex. 40.35 with Num. 7.89) that Moses could enter the Tabernacle only when the Shekinah had left it.

<sup>9</sup> BaR 12.1, R. Judah b. R. Simon. The passage no doubt comes from PR 5, 22a, where, however, the text is less complete. Cf. also Tan. B. IV, 38; Tan. Naso 25.

<sup>10</sup> BaR 14.19, apparently derived from Sifre Z., where R. José the Galilean uses this view to harmonize Deut. 4.33 and Ex. 20.22 with Num. 7.89.

<sup>11</sup> BaR 14.22, end. Cf. *ibid.*, 14.21, based on Sifra *Vayikra perek* 2, which also states that the angels were excluded from these revelations.

<sup>12</sup> Sifra, *loc. cit.*; BaR 14.22. A similar view, which finds in Num. 7.89 a solution for the apparent contradiction between Lev. 1.1 and Ex. 25.22: Sifre N. 58; BaR 14.19.

<sup>13</sup> Sifra, *loc. cit.*, BaR 14.21. Briefly, R. Hiyya, WR 1.11; Shir 2.3. Sifre N. 58 also states that the voice was very loud.

the Gentiles who, during the previous year, had been constantly terrified by the sounds of the revelation.<sup>14</sup>

After each revelation, there was a pause to permit Moses to reflect on what he had heard, before the next law was announced.<sup>15</sup>

In all this, it will be seen, there is little that requires comment. Certain Rabbis who had no special reason for holding any other view, took it for granted that a considerable part of the Torah was given, not at Sinai, but in the Tabernacle; and they added a few minor elaborations to the biblical story.

We may approach the real problem of this study through a Tannaitic controversy. According to R. Ishmael, only legal generalizations were given to Moses at Sinai; the full details of the law were revealed only after the Tabernacle had been set up. R. Akiba held, however, that the entire Torah without any omissions was given to Moses at the start.<sup>16</sup>

R. Ishmael's opinion, according to Rashi, is based on the fact that the laws of sacrifice (for instance) are stated very briefly in Exodus, where the account of the revelation is to be found; but they are expounded in detail in Leviticus, which begins with the words "And the Lord called to Moses from the Tent of Meeting." A supplementary explanation is offered by Friedmann.<sup>17</sup> The book of Leviticus contains internal contradictions. Despite the opening sentence just quoted, it states several times of the ensuing legislation that it had been given to Moses at Sinai (Lev. 7.37, 38; 25.1; 27.34). This contradiction engaged the attention of both Ishmael and Akiba. The former,

<sup>14</sup> WR and Shir *loc. cit.*

<sup>15</sup> Sifra, beginning; BaR 14.21. G, VI, p. 78, n. 405, cites a statement from Philo, *Quis Rer. Div. Haeres Sit* (vol. IV, p. 290-292 of the Colson and Whittaker ed.), which he takes to be directed against this Rabbinic view; but I doubt whether there is any connection.

<sup>16</sup> Hag. 6ab, Soṭ. 37b, Zeb. 115b. Akiba's view appears anonymously several times in Sifra; see Malbim on Lev. 25.1, where the passages are cited and discussed. Tan. Tissa 16, ShR 41.6, also argue that only general laws could have been revealed at Sinai, because no one could learn the entire Torah in 40 days.

<sup>17</sup> Bet Talmud II 8. Friedmann mentions the comments of Rashi and Ramban on Lev. 25.1.

abiding by the more obvious sense of the text, held that only general principles were stated at Sinai, and it was to these general principles (later expanded and elaborated) that the verses in Leviticus apply.<sup>18</sup> Akiba, however, took the verses literally, and could only conclude that, however the Biblical material was arranged, the entire body of the Torah had been given to Moses at one time. The revelations in the Tabernacle were only repetitions of laws already revealed.

We shall see later that another motive probably influenced Akiba's view more than the question of exegesis. At any rate it was this view which won general acceptance. Thus the Amora, R. Elazar, explains that the laws were not in full effect until they had been repeated to Moses at the Tabernacle. Previously they had constituted a moral obligation (*sayyag*), but their violation was not punished. "This is comparable to a decree which is written, sealed, and delivered to a province. The inhabitants of the province are not punished for disobeying it until it has been explained to them in the provincial assembly . . . That is what is written (Cant. 3.4) 'Until I had brought him to my mother's house'—this means Sinai—'and to the chamber of her that bore me (*horati*)'—this means the Tabernacle, where Israel were commanded about giving decisions (*horaah*)."<sup>19</sup>

<sup>18</sup> But in Mekilta, *Bahodesh* 3, 63b, Ishmael appears to recognize the latter part of Lev. as revealed even *before* Sinai.

<sup>19</sup> WR 1.10; Shir 2.3 (cf. *ibid.* 3.4). Sifra *Zav*, *perek* 18 (to Lev. 7.36), BaR 14.13 (R. Simeon) state that Israel set aside the priestly dues from the time of the revelation at Sinai, but did not give them to the priests until the Tabernacle had been dedicated. In all that follows, the principle that there is no chronological sequence in the Torah must be borne in mind. The Rabbis take for granted, e. g., that laws found only in Deuteronomy were given for the first time at Sinai, not in Moab. Their inclusion in Deuteronomy rather than Exodus is just a matter of editorial layout. It is likewise assumed that the legal sections of Leviticus and Numbers are not necessarily contemporaneous with the interspersed narratives. ER 26, 132 does indeed state that the commandment concerning fringes was given after the incident of the Sabbath-breaker (Num. 15), so that, in the future, men should have a reminder of their duty to God even on Sabbath, when phylacteries are not worn. But there is no parallel to this in the classical sources, which assume that the fringes were ordained at Sinai; Sifre Z. 105 explains that the two passages are juxtaposed in order to indicate that fringes must be put on a corpse.

We have already noted that, in numerous Biblical passages, Aaron is represented as sharing the revelation with Moses. Some of the instances are in narrative sections (e. g., Ex. 7.8, Num. 20.12); others are definitely revelations of law (e. g. Ex. 12.1, Lev. 11.1, Num. 4.17). In three cases (Lev. 10.8; Num. 18.1 and 8) Aaron receives the commandment alone. There is a very marked tendency in Tannaitic literature to explain all these passages away, and to make Moses the exclusive medium of revelation.

Thus R. Judah b. Beterah declared: "Thirteen sayings in the Torah were spoken to Moses and Aaron, and correspondingly thirteen restrictive expressions were used in the Torah: to teach you that (the revelations) were not addressed to Aaron, but to Moses, who was to repeat them to Aaron."<sup>20</sup> According to Ex. 12.1, the Passover laws were given jointly to Moses and Aaron. The Mekilta, however, finds this verse contradicted by another, Ex. 6.28, mentioning "the day when the Lord spoke to Moses in the land of Egypt." The difficulty is resolved by the statement that actually Moses alone was addressed by God; and Aaron's name is mentioned in 12.1 merely to indicate that he was spiritually fit to receive revelations, and that he was excluded from this privilege only to reflect greater glory on Moses. The Mekilta goes on to say that this explanation is to be applied to every passage in which Aaron is said to have shared in the revelation, except three — those directed exclusively to him — because in these three cases "it is impossible" to exclude him.<sup>21</sup> The method of the Mekilta is instructive. The literal sense of numerous passages is swept away on the strength of a single —

<sup>20</sup> Sifra *Vayikra*, *perek* 2; BaR 14.19; more briefly, Sifre N. 58. R. Judah lists the 13 restrictive passages, but not the 13 cases of apparent joint revelation. Actually there are more than 13 such instances, and the commentators are at a loss. The first two sources also quote a statement of R. José the Galilean, that the Torah was revealed in three places to Moses — Egypt, Sinai, and the Tabernacle — and that Biblical proof shows that in each of these places, Aaron was denied a share in the revelation. But according to R. Isaac, the Passover legislation was truly addressed to both: Tan. B. II, 47 and n. 84.

<sup>21</sup> Mekilta, *Bo*, beginning, reproduced Tan. *Bo* 5. Mekilta RS 6 (*ad loc.*) does not discuss this issue, and merely deduces the spiritual equality of the brothers.



and inconclusive — verse. And by saying that such a procedure is impossible when the Bible says “The Lord spoke unto Aaron,” the Mekilta clearly implies that if the procedure *were* possible, it would be desirable.

Some of the Tannaim go still further. The law of the heave offering is introduced with the words (Num. 18.8) “And the Lord spoke unto Aaron.” The Sifre remarks: “I might suppose that the revelation was addressed to Aaron — therefore the text says (Num. 17.5) ‘a memorial to the children of Israel etc., as the Lord spoke unto him (Eleazar) by the hand of Moses.’ Thus we learn that the revelation was given to Moses, who was to repeat it to Aaron.”<sup>22</sup> It is true, however, that the section immediately preceding, which is also introduced by “And the Lord spoke unto Aaron” is left undisturbed by the Sifre, which here quotes a remark by R. Ishmael: “He charged the one to whom the matter was entrusted.”<sup>23</sup> But the other Tannaitic Midrash to Numbers declares that this section also was revealed first to Moses, who transmitted it to Aaron, and adds: “Then why does the text say ‘unto Aaron’? Because Aaron was also fit (to receive revelation); but the greatness of Moses was (true) greatness.”<sup>24</sup>

Concerning Lev. 10.8, the third passage addressed to Aaron alone, we have no clear-cut statement in our sources. Sifra does not discuss the verse (perhaps this silence is significant, in view of the minute textual study that characterizes this work); and a reference in a later Midrash seems to mean that this law was revealed for Aaron’s special benefit, but not to him directly.<sup>25</sup> Several sources tell us that Aaron was rewarded for the submissive silence with which he met the death of Nadab and

<sup>22</sup> Sifre N. 117.

<sup>23</sup> *Ibid.* 116. R. Ishmael’s view here seems to fit the Mekilta passage cited in n. 21.

<sup>24</sup> Sifre Z. 108. Cf. *ibid.* 48, the emphatic statement that every detail of the Torah was given to Moses at Sinai: Aaron’s name was attached only to laws which specially concerned him.

<sup>25</sup> WR 12.1; see G, VI, p. 79, n. 416. The expression נתייחר הדיבור occurs also in WR 13.1, where it plainly means that the law referred to the Aaronides, not that it was revealed directly to them.



Abihu,<sup>26</sup> but the nature of the reward is not made explicit. Prof. Ginzberg's statement: "God rewarded him for his silence by addressing him directly, and imparting an important priestly law to him"<sup>27</sup> is a reasonable, but uncertain, deduction from the material just presented.

The notion that Aaron had no share in the revelation is used by a later homilist to explain why Moses was so loath at first to accept the office of Israel's deliverer. His hesitation was due to consideration for his elder brother. For eighty years, Aaron had been acting as prophet to the enslaved Israelites, and Moses did not wish to trespass upon his prerogatives.<sup>28</sup> This certainly implies that once Moses assumed the leadership, prophecy was his exclusive possession.

The reason for this extraordinary assault on the plain sense of Scripture will be dealt with in connection with the other material we are presenting. For the moment, we should note that, in this line of interpretation, there is no suggestion that Aaron was unworthy to receive the Torah, because of his part in the Golden Calf episode, or for any other reason. The Rabbis are careful to insist on Aaron's great merits, which made him fully deserving of the honor of receiving the Torah; but why he was not accorded the honor is not made plain.

We shall now consider the four cases in which Moses was forced to seek special instruction from God. In the Bible, they appear in the following order: the case of the blasphemer, Lev. 24.10-23; that of the men who were ceremonially unclean at Passover, Num. 9.6-14; that of the man who gathered wood on Sabbath, *ibid.* 15.32-36; that of the daughters of Zelophehad,

<sup>26</sup> Sifra to Lev. 10.3, second version near end of *Millu'im*; Targum Yerushalmi *ad loc.*

<sup>27</sup> G, III, p. 190.

<sup>28</sup> ShR 3.16; Tan. B II, 15; Tan. *Shemot* 27. A familiar aggadah reports three occasions when Moses forgot the halakah in consequence of losing his temper; in one case he was corrected by Aaron, in another by Eleazar: see, e. g., WR 13.1 and G, VI, pp. 145-6, n. 862. But this legend has no bearing on our topic; the matters on which Aaron and Eleazar corrected Moses had originally been revealed to the latter; he forgot them temporarily as a result of his anger.

*ibid.* 27.1–11.<sup>29</sup> These instances engage the special attention of Philo, who discusses them at great length, and regards them as constituting a special type of prophecy. In such cases, he explains, the prophet “asks a question under divine possession, and on the other hand the Father, in giving the word of revelation, answers him and talks with him as with a partner.”<sup>30</sup>

When we examine the Rabbinic comments on these incidents, we find a certain confusion and embarrassment. Why was Moses unable to give an answer to these by no means abstruse questions? And why had God given him no previous instruction to cover them? And so attempts are made to palliate, or at least minimize, Moses’ ignorance.

One approach is chronological. We find the statement: “Israel kept only the first Sabbath properly; they profaned the second.”<sup>31</sup> Now the Sabbath law was given before the arrival at Sinai, either at Marah, or a few days later in connection with the manna. One source even dates the incident of the Sabbath-breaker explicitly on Iyyar 22 of the first year of the Exodus.<sup>32</sup> The implication is that, since the Torah had not yet been given in its fullness, Moses could not be expected to know every detail of the halakah. This approach does not seem to have suited the Rabbis very well. It could not be utilized in the case of the Passover question and the matter of the daughters of Zelophehad, for the former plainly occurred on the first anniversary of the Exodus, and the latter near the end of the desert period. No clear date is given for the incident of the blasphemer, and the Rabbis assume that it was at the same time as the case of the Sabbath-breaker, and remark that the two offenders were imprisoned and punished separately.<sup>33</sup> But they also report that

<sup>29</sup> Midrash *Sheloshah V’Arba’ah* (G, VI, p. 141 top cites Wertheimer’s *Ozar Midrashim* 47; I utilized Eisenstein’s *Ozar Midrashim*, p. 539 bottom) mentions two other cases where the halakah was veiled from Moses: the need of displaying zeal, as manifested by Phineas (Num. 25), and the matter of purifying metals (Num. 31), one of the cases of Moses’ forgetfulness mentioned in the preceding n.

<sup>30</sup> *Vita Mosis* II 36 (vol. VI, p. 544 of Colson’s ed.).

<sup>31</sup> Sifra N. 113.

<sup>32</sup> Sifre Z. 103, 157, R. Simeon.

<sup>33</sup> Sifra *Emor* parashah 14 on Lev. 24.11, 12.

the blasphemer was guilty of pronouncing the name he had heard at Sinai.<sup>34</sup> Plainly, pre-dating one or two of the incidents afforded them no escape from their difficulty.

The more usual approach was to limit as far as possible Moses' ignorance of the legal matters involved. Particularly interested in this point was a certain Simeon of Shikmonah, pupil of Akiba, whose views were transmitted by his colleague, R. Hidka. "Moses knew that an unclean person may not eat of the paschal lamb. About what were they uncertain? As to whether the blood should be sprinkled on them (and the meat eaten by clean persons) or not."<sup>35</sup> "Moses knew that the gatherer of wood must be put to death, but did not know the form of execution to be employed."<sup>36</sup> "Moses knew that daughters inherit (when there are no sons). About what were they in doubt? As to whether (daughters) inherit property *owing* (the estate) as they do what is in possession, or not."<sup>37</sup> This scholar also adduced the principle: "We bring about merit through the meritorious and guilt through the guilty." All these laws might have been given through Moses in the usual way; but particularly good and particularly bad people had the glory or shame, respectively, to occasion the utterance of these rules.<sup>38</sup>

This attempt to limit Moses' ignorance to matters of detail is also found in other early sources. We read repeatedly that Moses knew that the Sabbath violator must die and was in doubt only as to the method of execution.<sup>39</sup> The Palestinian Targum

<sup>34</sup> *Ibid.* See also *Yefeh Enaim* to B. B. 119a, Sanh. 78b: Philo, *op. cit.*, II 39 (p. 554) states that the incident of the Sabbath violator occurred after Sinai.

<sup>35</sup> Sifre N. 68.

<sup>36</sup> *Ibid.*, 114; B. B. 119a; Sifre Z. 104, anonymous; but R. Eliezer b. R. Simeon declares that Moses was uncertain whether the death penalty should be imposed at all.

<sup>37</sup> Sifre N. 133; B. B. *ibid.*

<sup>38</sup> Sifre and B. B., the passages cited in nn. 35-37; Sanh. 8a, anonymous. Cf. Sem. 8 and G. VI, p. 140, n. 821.

<sup>39</sup> Sifra *Emor* parashah 14; Sifre N. 114; Sanh. 78b. Philo, *op. cit.* II 40 (pp. 557) is a remarkable parallel both in thought and language. The Rabbis remark that the guards had warned the offender of the consequences of his crime (Sifre N. 113, Targum Yerushalmi Num. 15.33), but could not have told him in advance how he would be executed. God's order that he be stoned,

puts a novel aspect on this view. According to R. Akiba, the Sabbath-breaker was Zelophehad, he whose daughters were later to display their intelligence and piety.<sup>40</sup> R. Judah b. Betherah protested against this public defamation of character; without absolutely contradicting Akiba, he held that if God in His Torah concealed the sinner's name, we should do likewise.<sup>41</sup> Elsewhere we are told that Zelophehad was a righteous man.<sup>42</sup> The Targum harmonizes this conflict by relating that the offender violated the Sabbath, not wantonly, but with a high motive. The punishment for this crime was not yet known, and he feared that the people might become lax in their observance. He therefore deliberately did work on the Sabbath day, so that the punishment might be made clear, and a solemn warning be given the masses.<sup>43</sup>

But while Moses may have known something about this case and needed only to inquire about details, the Rabbis are forced to admit that he did not know whether the blasphemer should be punished at all. Nothing more than a simple prohibition of blasphemy had been previously revealed.<sup>44</sup> On this case, apparently, Simeon of Shikmonah had nothing to say. The Sabbath-breaker and the blasphemer, therefore, though arrested at about the same time, were confined and examined separately.<sup>45</sup>

Regarding the daughters of Zelophehad, several other explanations are given beside the one already cited, that Moses was in doubt only as to the right of daughters to property owed their father's estate.<sup>46</sup> Many teachers held that the answer to the

instead of being executed by a more merciful method כהן מיתה is therefore to be regarded as a special *ad hoc* ordinance הוראת שעה Sifre N. 114; Sanh. 80b, R. Judah.

<sup>40</sup> Sifre N. 113, 133; Sab. 96b bottom.

<sup>41</sup> Sifre N. 105, 113; Sab. *loc. cit.* In Sifre Z. 103, 157, the dispute is between R. Eliezer b. Jacob and R. Simeon b. Johai, the latter arguing on chronological grounds that the identification is impossible. Above, n. 32.

<sup>42</sup> Philo, *op. cit.* II 43, p. 564 ff. Sifre N. 133.

<sup>43</sup> Targum Yerushalmi Num. 15.32. The offender is not explicitly called Zelophehad, perhaps because of R. Judah b. Betherah's protest, but he is said to be from the tribe of Joseph, to which Zelophehad belonged (Num. 27.1). Cf. G, VI, p. 84, n. 452.

<sup>44</sup> Sifra *Emor* parashah 14; Sanh. 78b; Philo, *op. cit.* II 37, p. 546 ff.

<sup>45</sup> Sifra *ibid.*, Sifre Z. 104.

<sup>46</sup> Above, n. 37.

question was hidden from Moses as a punishment for arrogance. When he established the judicial system, he told the officers, (Deut. 1.17) "The cause that is too hard for you ye shall bring unto me, and I will hear it." This smug assurance of his own ability to solve any and all legal tangles brought upon Moses the punishment of God, who warned him that the time would come when he would be unable to handle a question which mere women could solve.<sup>47</sup> This story provoked several denials; Moses' advocates insist that the verse in Deuteronomy reflects no conceit — Moses meant that he would hear the difficult cases, decide them if he was able, and otherwise refer them to God.<sup>48</sup>

A more extreme solution of our difficulty, offered by Resh Lakish, asserts that Moses asked God about this case out of choice rather than necessity. His recourse to divine counsel was not the punishment of arrogance, but the expression of humility. The daughters of Zelophehad originally laid their problem before the captain of their deced; he had referred it to his superior, the captain of the hundred, and so on — each official refusing to assume responsibility for deciding the matter, until it reached Moses. The latter knew the law perfectly; but since the other leaders had deferred to their superiors in this case, he felt it only proper for himself to do the same. He therefore consulted *his* Superior.<sup>49</sup> A variant form of this explanation (applied also to the other incidents under discussion) is that Moses' conduct was intended to set an example to judges in the future — teaching them that they need not be ashamed to proceed deliberately and to admit their ignorance in any matter about which they are not certain.<sup>50</sup>

A final explanation of the problem is that Moses was indifferent about the case of Zelophehad's daughters. Instead of applying himself to its solution, he carelessly referred the question to God.

<sup>47</sup> Sifre D. 17, Midrash Tannaim p. 10; Mekilta RS 91; Tan. B. I, 192 and IV, 153; Tan. Pinhas 8; BaR 21.12; Shemuel 14, 88; Koheleth 8 end, R. Levi; Sanh. 8a, R. Hanina or R. Josiah.

<sup>48</sup> Shemuel, Kohelet, Sanh., *ibid.* The authorities vary.

<sup>49</sup> Tan. B. IV and BaR, *loc. cit.* Tan. *ibid.* 9. A briefer and apparently older form of this legend, Sifre Z. 157, R. Eliezer b. R. Simeon.

<sup>50</sup> Targum Yerushalmi Lev. 24.12, Num. 9.8, 15.34, 27.5.



It was in punishment for this laxness that Moses was prevented from entering Palestine.<sup>51</sup>

Connected with our topic is an oft-repeated statement that while Israel was under the divine displeasure — that is, during the thirty-eight years between the return of the spies and the subsequent rebellion, and the death of the last of the rebels — God did not speak with Moses. For all the revelations which Moses received were only for the benefit of Israel; and when they were under the ban, there was no occasion for God to communicate with their leader.<sup>52</sup> The exegetic basis for this statement is Deut. 2.16, 17, "So it came to pass, when all the men of war were consumed and dead from among the people, that the Lord spoke unto me" — the implication being, that until all these people died, God was silent. According to this view, very few *new* laws could have been revealed to Moses after the return of the spies, since Moses died shortly after the revelation was resumed.

There is an interesting controversy about the writing down of the Torah. "R. Johanan says n. R. Bena'ah: The Torah was given in separate rolls, for it is said (Ps. 40.8), 'Then said I: Lo, I am come, with the roll of a book that is prescribed for me.' R. Simeon b. Lakish says: The Torah was given complete (lit., sealed), for it is said (Deut. 31.26), 'Take this book of the Law, and put it by the side of the ark of the covenant of the Lord your God.'"<sup>53</sup>

R. Bena'ah doubtless meant that as each revelation was received by Moses, he wrote it down on a separate sheet of parch-

<sup>51</sup> Shir 1.10. The announcement of Moses' approaching death follows immediately the incident of the daughters of Zelophehad (Num. 27.12). The Midrash, I take it does not mean this event was the basic cause for Moses' exclusion from Palestine: the Bible plainly states that this was his punishment for misbehavior at Meribah. But God might have relented; Moses was hopeful this would occur (see G, III, p. 417). When, however, Moses committed the present offence, the doom was sealed irrevocably.

<sup>52</sup> Mekilta, *Bo*, beginning, Akiba; Sifra *Vayikra*, *perek* 2, anonymous. Somewhat differently, Ta'an. 30b (see Malter's ed. for authority); Yer. *ibid.*, 3, 66c bottom, R. Hanina; B. B. 121ab; Shir 2.13 (the comment is really on 2.11); Tehillim 23, 199, R. Simeon b. Johai. See also G, VI, p. 98, n. 550.

<sup>53</sup> Giṭ. 60a.



ment, and that later these documents were combined into a single work; for the controversy is cited by the Gemara in a discussion as to whether excerpts from the Torah may be written out for educational use. Bena'ah's view is held to show that the Torah was not originally an indivisible unit, and therefore might be subdivided for convenience in teaching.

Just what, however, did Resh Lakish mean by saying that the Torah was given complete? According to Rashi *ad loc.*, he meant that the Torah was not written down at all until it was completely revealed. Moses memorized each revelation as he received it, and at the end of forty years, when the entire Torah had been given, he wrote it out in full. But Rashi's explanation is hardly tenable. I have found no parallel in the entire literature for the notion that the Torah (except, of course, the Decalog) remained unwritten until the very end of Moses' life. Several Midrashim, it is true, represent Moses as writing out thirteen scrolls of the Torah on the day of his death;<sup>54</sup> but these were only copies — no source suggests that this was the first time Moses had written down the Torah. Moreover, as Bacher has pointed out, Resh Lakish was the author of an Aggadah which represents Moses as receiving a Torah scroll of heavenly fire during his sojourn on Mt. Sinai.<sup>55</sup> Evidently, we must interpret the present passage in the light of this story — Resh Lakish meant that the Torah was complete at Mt. Sinai, even though some of the events it contained had not yet occurred. Resh Lakish, then, carried on the tradition of Akiba and others. This seems less surprising when we recall the Rabbinic view that the Torah was pre-existent, not only to its revelation, but to the creation of the world itself.

The varied materials we have here collected can be coördinated, it seems to me, in the light of a single motive: to defend

<sup>54</sup> DR 9.9, R. Jannai; one copy was given to each tribe, the thirteenth deposited in the ark as the final textual authority. Similarly, PK 32, 197ab, R. Huna; Tehillim 90, 386; Petirat Mosheh 122 (I cite from Eisenstein, *Ozar Midrashim* 365a top) — this source also contains a view that Gabriel bore the thirteenth scroll to heaven, where it is consulted by the righteous. G's reference (VI, p. 151, n. 900) to 2 *Petirat Mosheh* 378 seems to be erroneous,

<sup>55</sup> Yer. Sheḳ. 6, 49d, and Soṭ. 8, 22d; Shir 5.11, end; DR 3.12; see Bacher, *Agada der palästinensischen Amoräer*, vol. I, p. 362, n. 2.

the completeness, perfection, uniqueness, and unchangeability of the Torah. The Rabbis were deeply concerned to show that, plain Scripture to the contrary notwithstanding, the entire Law was revealed when Moses descended from Sinai, and that Aaron had no share in the revelations. When the Bible describes Moses as puzzled by four questions of law, they hasten to re-interpret. And their motive was not to defend the glory of Moses, for some of the explanations they give are to his discredit. It is the glory of the Torah they are seeking to vindicate.

For the written Torah, as it stands, appears to be composed of numerous single revelations, made over a long period of time. Just when the revelations terminated and the Torah was complete, is not clear. If this be so, it is possible to argue that revelation is a continuous process, that the Torah is still incomplete, and that further revelations may yet supplement or modify what has already been received.

Moreover, according to the biblical text, numerous laws were given to Moses and Aaron jointly, three to Aaron alone. But if Israel had two lawgivers — if, that is, the lawgiving function was not unique — there may be conceivably other lawgivers in the future.

Hence the eagerness of the Rabbis to make the time, circumstances, and agent of the revelation definite, circumscribed, and unique. Though there had been some limited revelations prior to Sinai, the entire Torah was transmitted to Moses during his stay on the mount. Nothing was left unrevealed. God's word was given in exhaustive fullness. "It is not in heaven" (Deut. 30.12).

Concerning this verse the Midrash remarks: "Moses said unto them: You are not to suppose that another Moses will arise and bring us another Torah from heaven. I make known to you now: 'it is not in heaven,' i. e., nothing has been left of it in heaven."<sup>56</sup>

The same verse appears in two striking Talmudic narratives. One tells of a legal battle between R. Eliezer and R. Joshua, during which the former performed several miracles to prove his contention true. Joshua, however, denied the validity of supernatural evidence for settling a legal question. Finally, Eliezer

<sup>56</sup> DR 8.6.

appealed to heaven for confirmation, and a heavenly voice (*Bat Kol*) rang out: "Why do you oppose R. Eliezer, when the halakah is according to his view in every place? — Then rose R. Joshua and said: 'It is not in heaven.' (What is meant by 'it is not in heaven'? Said R. Jeremiah: Since the Torah has already been given at Mt. Sinai, we need not give heed to a *Bat Kol*. For thou hast already written at Mt. Sinai in the Torah (Ex. 23.2) 'after a majority to decide.') R. Nathan (afterwards) met Elijah, and asked him: What did the Holy One do in that hour? — He answered: He laughed and said: My sons have vanquished Me, My sons have vanquished Me!"<sup>57</sup>

The second story, which occurs in variant forms, tells that many laws which had been revealed were forgotten during the period of mourning for Moses. When Israel later asked Joshua to inquire of God concerning the forgotten halakot, he replied by quoting "It is not in heaven." When a similar request was afterwards made of Samuel, he answered: " 'These are the commandments' (Lev. 27.34) — henceforth no prophet may introduce anything new."<sup>58</sup>

These last passages, so plainly polemical in purpose, make still clearer the intent of the material we have been examining. It was directed against Gnostic, and even more against Christian, anti-nomianism. The Christian writers attacked the permanent validity of the Torah by stressing (for example) the spiritual superiority of the patriarchs, who lived before the Torah was given.<sup>59</sup> They also argued that the Torah was revealed through angels, and might therefore be revoked through the atonement of Jesus, who was greater than the angels.<sup>60</sup> It was basic to their

<sup>57</sup> B. M. 59b.

<sup>58</sup> Tem. 16a, Samuel. A second version, given by R. Isaac Napaha, relates that a law regarding the sin-offering was forgotten. Phineas and Eleazar were asked to seek instruction from God on the subject, and replied by quoting the same vv.

<sup>59</sup> Romans 4; Galatians 3.6-8; Justin Martyr, *Dialogue with Tryphon*, ch. 19, 20; Tertullian, *Against the Jews*, ch. 2, 3; *Clementine Homilies*, ch. 8. See Joel, *Blicke in die Religionsgeschichte* II, p. 174.

<sup>60</sup> Galatians 3.19; Hebrews 1.4 ff. See Prof. Ginzberg's full treatment of this point in *Legends*, VI, p. 47, n. 248, and in *Eine Unbekannte Jüdische Sekte*, p. 246 ff., n. 2.

position to show that the Torah was a temporary institution; otherwise, the sacrifice of the atonement could not take its place. One thinks especially of Peter's vision (Acts 10.9-16), in which he sees the dietary laws symbolically repealed.

The Rabbis saw danger in the notion of a continuous revelation, mediated by more than one lawgiver. Perhaps the argument was raised by their opponents, perhaps they feared that it might be raised. If there is no clear *terminus ad quem* for the revelation of Torah, we must admit the possibility that new laws are yet to come from God. If the Law was given through several agents, we may have to regard new prophets as legitimate lawgivers. Hence the insistence that the whole Torah was given in forty days through a single person — and after that, nothing more. God's later communications to Moses merely repeated for emphasis things already revealed. The utterances of the other prophets were included in the revelation to Moses, and are only restatements of the truths of Sinai.



## THE TRANSMISSION OF THE EARLY RABBINIC TRADITIONS

LOUIS FINKELSTEIN

JEWISH THEOLOGICAL SEMINARY OF AMERICA

AS IS well known, the Rabbinic traditions were handed down orally for many centuries. It was thought a sacrilege to put them into writing, for that was considered an attempt to add to the Scriptures. Only when the mass of tradition grew to such proportions as to tax even the most prodigious memory, did the ancient Sages agree to commit the oral traditions to writing. Before that time the *Mishna*, the *Tosefta*, and the *Tannaitic Midrashim*, as well as the vaster Talmudic discussions, were studied by rote in the academies and quoted from memory. Nevertheless, they were preserved with precision and accuracy; evidence of the love bestowed on the Torah, as well as the mental prowess and diligence of the ancient students.

There is reason to think that as an aid to memory, students developed the habit of formulating certain phrases in each tradition, which served as pegs on which the unformulated portion depended. In later times these formulated phrases were reduced to writing and formed the shorthand notes, by which much of our *tannaitic* tradition was preserved during the centuries before it was completely edited and put into writing. Such notes were perhaps not used in the study of the *Mishna*, which was the basic text of the academies, and which everyone was supposed to know. The notes were employed for the *baraitot*, the traditions which had been compiled by the older scholars as parallel studies to the *Mishna*. And apparently the notes were used more frequently for informal *aggadic* study, than for that of the more formal *halaka*.

Elsewhere I have shown that the variant versions of the



*aggadic* texts, which have been preserved in the *tannaitic midrashim*, frequently have some written texts at their base.<sup>1</sup> This can be seen from the fact that errors which could only have arisen in written copies, are found in both versions. But at the same time the variant forms of the text show a certain fluidity which indicates that while part of the text — the catchwords — were written down, the major part was left to be reconstructed from memory by the person reciting the passage.

In certain instances, it will be shown, the catchwords were fixed, before they were reduced to writing. While the texts of the various versions of the *baraitot* differ from one another considerably, they all contain these fixed catchwords. Yet other evidence proves conclusively that in these instances, the fixed catchwords were transmitted orally rather than in writing.

Thus there emerge five forms in which traditions were handed down:

- I. The anecdotal form. This is the primitive tradition, no part of which is formulated in fixed words or phrases. The tradition is determined only so far as the basic idea or story is concerned.
- II. The semi-normative form. This is the stage in which the tradition has assumed fixed form in regard to certain catchwords, which appear in all its versions. It still remains an oral tradition, no parts have been committed to writing.
- III. The fully formulated oral tradition or norm. In this stage, an editor or teacher has decided to transmit the older idea or story in a fixed form, his students actually memorize the words in which he expresses the idea or tells the story.
- IV. The earliest written form. This derives not from III but from II. Instead of being submitted to final formulation, in a normative form, the tradition is handed down through the catchwords indicated under II; but to assist the memory further, these catchwords are committed to writing.
- V. The written text. This may emerge either out of III or out of IV.

<sup>1</sup> *Proc. Amer. Acad. Jew. Research* VI (1935), pp. 206 ff.

An interesting example of the transmission of a tradition is to be found in the manner in which a sermon by Rabbi Eleazar of Modin, dealing with Psalm 29, has come down to us. In this address, Rabbi Eleazar of Modin explained the Psalm as referring to the revelation on Mt. Sinai. The verses 3-9, describing the power and majesty of the Voice of the Lord, naturally were taken to refer to the Voice which came to Moses. Verse 9a, was interpreted by Rabbi Eleazar as follows: "And in his palace, everyone says, Glory." This meant to him that each king, hearing the Divine Voice, trembled in his palace, and wondered what the significance of It might be. The kings, alarmed, rushed to Balaam for an explanation of the miracle. "Does God intend to bring another flood?" they asked. (Hence the verse, "The Lord sat enthroned at the flood.") When he reminded them that God had sworn never again to bring a flood on the world, they asked, "Whether that oath applied only to a flood of water, but did not apply to a flood of fire." (This is apparently derived from the verse, "The Lord sitteth as King forever," indicating that despite His promise never to bring a flood, God might still bring penalties on the world.) Thereupon Balaam replied, according to Rabbi Eleazar's interpretation of the Psalm, "The Lord is giving strength (i. e., the Torah) to His people," thus explaining the unusual disturbance of the elements. To which the various kings responded, with verse 11b, "(If that be so) May the Lord bless His people with peace."

The text of Rabbi Eleazar of Modin's remarks has come down in the following forms:

- I. That preserved in (A) *Mekilta, Jethro, Amalek* chap. 1, H-R 188, Laut. II 162; (B) the corresponding passage in *Mekilta* of R. Simeon (18.1; p. 85); (C) *Zebahim* 116a; and (D) *Midrash Mishle* 21.22, ed. Buber 45b.
- II. That preserved in (E) *Mekilta Bahodesh* chap. 5, H-R 220, Laut. II, 233; (F) the corresponding passage in *Mekilta* of R. Simeon (19.16, p. 99).
- III. That preserved in (G) *Sifre* Deut. 343, Fr. 142b, Fi. 397; and (H) *Midrash Tannaim* 33.2, p. 209.

The texts are as follows:

B

מכילתא דרשב"י י"ח א'

ר' אלעזר המודעי אומר מתן תורה שמע ובא שכן מצינו ביום שניתנה תורה לישראל ועו כל מלכי תבל בהיכליהם שנ' ובהיכלו כלו אומר כבוד נתקבצו כל אומות העולם אצל בלעם אמרו לו דומה שהמקום מאבד את עולמו במים כדרך שאיברם לאנשי דור המבול כענין שנ' ה' למבול ישב, אמר להן שומים כבר נשבע שאינו מביא מבול לעולם שנ' כי מי נח זאת לי אשר נשבעתי מעבור מי נח עוד על הארץ אמרו לו בודאי מבול של מים אינו מביא אבל מבול של אש מביא אמר להן אינו מביא לא מבול של מים ולא של אש תורה נותן לעמו ושכר משלם ליראיו כיון ששמעו ממנו הדבר הזה פנו כולם איש איש למקומו.

A

מכילתא יתרו עמלק פ"א

ר' אלעזר המודעי אומר מתן תורה שמע ובא שבשעה שנתנה תורה לישראל ועו כל מלכי האדמה בהיכליהם שנאמר ובהיכלו כלו אומר כבוד (תהלים כ"ט ט') באותה שעה נתקבצו כל מלכי אומות העולם אצל בלעם הרשע אמרו לו בלעם שמא המקום עושה לנו כמו שעשה לדור המבול שנא' ה' למבול ישב וישב ה' מלך לעולם. אמר להם שומים שבעולם כבר נשבע הקב"ה לנח שאינו מביא מבול לעולם שנא' כי מי נח זאת לי אשר נשבעתי מעבור מי נח עוד על הארץ (ישעי' נ"ד ט') אמרו לו שמא מבול של מים אינו מביא מבול של אש מביא. אמר להם אינו מביא לא מבול של אש ולא מבול של מים אלא תורה נותן הקב"ה לעמו ולידידיו שנא' ה' עוז לעמו יתן. כיון ששמעו כולם מפיו הדבר הזה ענו כולם ואמרו אחר כך ה' יברך את עמו בשלום ופנו והלכו איש למקומו.

D

מדרש משלי כ"א כ"ב

ר' אלעזר המודעי אומר נתינת תורה שמע ובא שבשעה שנתנה תורה לישראל ועו כל מלכי אדמה בהיכליהם שנאמר ובהיכלו כלו

C

זבחים קט"ז ע"א

ר' אלעזר המודעי אומר מתן תורה שמע [ובא] שבשנתנה תורה לישראל היה קולו הולך מסוף העולם ועד סופו וכל [מלכי] א"ה אחותן רעדה

## D

## מדרש משלי כ"א כ"ב

אומר כבוד באותה שעה נתקבצו כל מלכי אומות העולם אצל בלעם הרשע אמרו לו בלעם מה טיבו של עולם כולו מתרעש שמא הקב"ה מביא מבול של מים לעולם ומחריבו אמר להם שוטים שבעולם כבר נשבע הקב"ה שאינו מביא מבול של מים לעולם שנאמר כי מי נח זאת לי וגו' אמרו לו שמא מבול של מים אינו מביא אבל מבול של אש מביא אמר להם לא מבול של מים ולא מבול של אש תורה הוא נותן לעמו שנאמר ה' עוז לעמו יתן וגו' כיון ששמעו כלם מפיו הדבר הזה הלכו כל אחד ואחד למקומו.

## C

## זבחים קט"ז ע"א

בהיכליהן ואמרו שירה שנאמר ובהיכלו כולו אומר כבוד נתקבצו כולם אצל בלעם הרשע ואמרו לו מה קול ההמון אשר שמענו שמא מבול בא לעולם אמר להם ה' למבול ישב [ואמר להם] וישב ה' מלך לעולם כבר נשבע הקב"ה שאינו מביא מבול לעולם אמרו לו מבול של מים אינו מביא אבל מבול של אש מביא שנא' כי הנה באש ה' נשפט אמר להן כבר נשבע שאינו משחית כל בשר ומה קול ההמון הזה ששמענו אמר להם חמדה טובה יש לו בבית גניו שהיתה גנוזה אצלו תתקע"ד דורות קודם שנברא העולם וביקש ליתנה לבניו שנאמר ה' עוז לעמו יתן [מיד] פתחו כולם ואמרו ה' יברך את עמו בשלום.

## F

## מכילתא דרשב"י י"ט ט"ז

וכן הוא אומר (תהלים כ"ט ג') קול ה' על המים אל הכבוד הרעים ה' על מים רבים קול ה' בכח קול ה' בהדר קול ה' שובר ארזים קול ה' חוצב להבות אש קול ה' יחיל מדבר קול ה' יחולל איצות ויחשוף יערות ובהיכלו כלו אומר כבוד מגיד הכתוב שביום מתן תורה היו עננים וברקים וירידת גשמים וכן הוא אומר (שופטים ה' ד') ה' בצאתך משעיר בצעריך משדה אדום ארץ רעשה גם שמים

## E

## מכילתא בחודש פ"ה

באותה שעה נתכנסו כל מלכי אומות העולם אצל בלעם הרשע ואמרו לו שמא מבול מביא לעולם אמר להם כבר נשבע הקב"ה שאינו מביא מבול לעולם שנאמר כי מי נח זאת לי אשר נשבעתי אמר לו שמא מבול של מים אינו מביא אבל מביא מבול של אש אמר להם לא מבול של מים ולא מבול של אש הוא מביא אלא הב"ה רוצה ליתן תורה לבניו שנא' ה' עוז לעמו יתן

## F

מכילתא דרשב"י י"ט ט"ז

נטפו גם עבים נטפו מים ואומר  
(תהלים ע"ז מ"ט) קול רעמך בגלגל  
האירו ברקים תבל וכמו קול שופר  
נשמע באויר שנא' וקול שופר חזק  
מאד עד שרעש כל העולם כולו  
ונתקבצו כל אומות העולם אצל  
בלעם בן בעור אמרו לו דומה  
שהמקום מאבד את עולמו במים  
כענין שנא' (תהלים כ"ט י') ה' למבול  
ישב אמר להן שומים שבעולם כבר  
נשבע שאינו מביא מבול לעולם כענין  
שנאמר (ישעיה נ"ד ט') כי מי נח  
זאת לי אשר נשבעתי מעבור מי נח  
עוד על הארץ אמרו לו ודאי מבול  
של מים אינו מביא אבל הוא מביא  
מבול של אש אמר להם אינו מביא  
לא מבול של מים ולא מבול של אש  
אמרו לו והקול הזה למה אמר להם  
תורה הוא נותן לעמו שנאמר ה' עח  
לעמו יתן (תהלים כ"ט י"א) ואין עח  
אלא תורה שנאמר עמו עח ותושיה  
(איוב י"ב ט"ז) אמרו לו אם כן ה'  
יברך את עמו בשלום.

## E

מכילתא בחורש פ"ה

וכיון ששמעו הדבר הזה פנו כולם  
ההלכו איש למקומו.

## H

מדרש תנאים ל"ג ב'

כשנגלה הקב"ה ליתן תורה לישראל  
הרעיש כל העולם כולו על יושביו  
שנ' קול ה' על המים קול ה' בכח  
קול ה' בהרר קול ה' שובר ארזים

G<sup>2</sup>

ספרי דברים שם"ג

כשנגלה הקב"ה ליתן תורה לישראל  
הרעיש את העולם כולו על יושביו  
שנ' קול ה' על המים אל הכבוד  
הרעים כיון ששמעו אומות העולם

<sup>2</sup> For this passage I have followed the text of ed. Friedmann. Ed. Finkelstein was not available for this part of *Sifre Deuteronomy* when the article was written.

## H

מדרש תנאים ל"ג ב'

קול' ה' חוצב קול' ה' יחיל מדבר  
 קול' ה' יחולל אילות באותה שעה  
 נתכנסו כל אומות העולם אצל בלעם  
 בן בער אמ' לו תאמר שהקב"ה  
 מביא מבול על עולמו ומחריבו כשם  
 שעשה לראשונים ה' למבול ישב  
 אמ' להן לאו היום הוא מולך בעולמו  
 היום הוא מישיב את עולמו שנ' וישב  
 ה' מלך לעולם תורה הוא נותן לעמו  
 שבח הוא נותן לבניו שכר טוב ליריאי  
 שנ' ה' עוז לעמו יתן אמרו לו אם  
 כן ה' יברך את עמו בשלום.

## G

ספרי דברים חמ"ז

את הקולות נתקבצו כולם אצל  
 בלעם אמרו לו כמדומים אנחנו  
 שהמקום מאבד את עולמו אמר  
 להם והלא כבר נאמר ולא יהיה  
 עוד המים למבול (בראשית ט' ט"ו)  
 אמרו לו הקול הזה מהו אמר להם  
 ה' עוז לעמו יתן ואין עוז אלא תורה  
 שנאמר עמו עוז ותושיה (איוב י"ב  
 ט"ז) אמרו לו אם כן ה' יברך את  
 עמו בשלום.

A comparison of these texts indicates the basis for the recognition of three major versions of the tradition. It is interesting to note, however, that while the different forms of II vary fundamentally from I, through the omission of the larger part, both I and II contain the following characteristic expressions:

- (א) שאינו מביא מבול לעולם שנא' כי מי נח זאת ל'י.  
 (ב) אמרו לו שמא (מכילתא דרשב"י, בודא' י) מבול של מים אינו מביא,  
 של אש מביא.  
 (ג) פנו כולם [ל'] והלכו [ל'] איש למקומו.

We note also that III G, which differs radically in its form, from either I or II, contains the expression כמדומים אנחנו שהמקום דומה שהמקום, מאבד את עולמו which is similar to that found in I B, מאבד את עולמו במים.

On the other hand though III H reads: באותה שעה נתכנסו כל אומות העולם אצל בלעם and II C reads: באותה שעה נתכנסו כל מלכי אומות העולם אצל בלעם הרשע.

Yet it is clear from the fact that both III G and III H begin with the expression [את] כשנגלה הקב"ה ליתן תורה לישראל הרעיש כל [את] and contain the ending (otherwise found only in *Zebahim* 116a) אמרו לו אם כן ה' יברך את עמו בשלום that III G and III H belong to a special group.



It is also clear that the parent text, from which all the extant versions are descended, apparently contained at the very beginning the words: **שבשעה שנתנה תורה לישראל** and was a description of the Revelation.

It is finally evident that the text was handed down with a number of formulated phrases, which do not occur in all the texts, but are found in texts belonging to widely different groups. This phenomenon can be explained most readily on the premise that originally the phrases occurred in the sources of the various versions, but were not retained by the later transmitters of the *baraitot*. The assumption is that the catchwords were memorized, but not written.

Further evidence that the catchwords were originally memorized, rather than committed to writing, can be found in the *baraita* telling the story of the discussion among the three Sages, Rabbi Eliezer, Rabbi Joshua, and Rabbi Zadok, at the wedding of the son of Rabbi Gamaliel II. The *baraita* has been transmitted in four forms, which represent two major versions. They may be arranged as follows:

Version I.

Text A. *Sifre* Deut. 38, Fr. 77a, Fi. 74.

Text B. *B. Kiddushin* 32b.

Version II.

Text C. *Mekilta Jethro, Amalek* chap. 1.

Text D. *Mekilta* of Rabbi Simeon 18.12, p. 88.

B

קדושין ל"ב ע"ב

מעשה ברבי אלעזר ורבי יהושע  
ורבי צדוק שהיו מסובין בבית המשתה  
בנו של רבן גמליאל והיה רבן גמליאל  
עומד ומשקה עליהם נתן הכוס לר'  
אלעזר ולא נטלו נתנו לר' יהושע  
וקבלו אמר לו ר' אלעזר מה זה  
יהושע אנו יושבין ורבן גמליאל ברבי

A

ספרי דברים פ"י ל"ח

וכבר היו רבי אלעזר ורבי יהושע  
ורבי צדוק מסובים בבית משתה בנו  
של רבן גמליאל מוג רבן גמליאל  
את הכוס לרבי אלעזר ולא רצה  
לטלו נטלו רבי יהושע אמר לו רבי  
אלעזר מה זה יהושע בדין שאנו  
מסובים וגמליאל ברבי עמד ומשמשנו

## B

## קדושין ל"ב ע"ב

עומד ומשקה עלינו אמר ליה מצינו  
גדול ממנו ששמש אברהם גדול ממנו  
ושמש אברהם גדול הדור  
היה וכתוב בו והוא  
עומד עליהם (בראשית י"ט  
ח') ושם תאמרו כמלאכי  
השרת נדמו לו לא נדמו  
לו אלא לערביים ואנו  
לא יהא רבן גמליאל ברבי עומד  
ומשקה עלינו אמר להם ר' צדוק  
עד מתי אתם מניחים כבודו של  
מקום ואתם עוסקים בכבוד הבריות  
הקב"ה משיב רוחו ומעלה נשאים  
ומוריד מטר ומצמיח אדמה ועורך  
שלחן לפני כל אחד  
ואחד ואנו לא יהא רבן  
גמליאל ברבי עומד ומשקה  
עלינו.

## D

## מכילתא דרשב"י י"ח י"ב

דבר זה דרש ר' צדוק כשהיה רבן  
גמליאל עומד ומשמש אמרו בדין  
שאנו מסובין וגמליאל ביר' עומד  
ומשמשנו אמר להן ר' יהושע מצאנו  
גדול מרבן גמליאל שעמד ושמש  
אמרו לו היזה (איזה) וזה אמר  
להם אברהם שג' והוא עומד  
עליהם (ברא' י"ט ח') ולא  
בני אדם כשרים אלא  
בני אדם שעובדין ע"ז  
ומכעיסין לפני המקום על אחת

## A

## ספרי דברים פ"י ל"ח

אמר לו רבי יהושע הנח לו ושמש  
אברהם גדול העולם  
שמש מלאכי שרת וכסבור  
שהם ערביים עובדי  
עבודה זרה שנאמר וישא עיניו  
וירא והנה שלשה אנשים והלא דברים  
קל וחומר ומה אברהם גדול העולם  
שמש מלאכי שרת וכסבור שהם  
ערביים עובדי עבודה זרה גמליאל  
ברבי לא ישמשנו אמר להם רבי  
צדיק הנחתם כבוד מקום ואתם  
עסוקים בכבוד בשר ודם אם מי  
שומר והיה העולם משיב רוחות  
ומעלה עננים ומוריד גשמים ומגדל  
צמחים ועורך שלחן לכל  
אחד ואחד גמליאל ברבי  
לא ישמשנו.

## C

## מכילתא יתרו, עמלק, פ"א

אמרו הדבר הזה דרש ר' יצחק  
ואמר כשעשה רבן גמליאל סעודה  
לחכמים היו כל חכמי ישראל מסובים  
אצלו עמד רבן גמליאל ושמשן אמרו  
החכמים אין אנו כדי שישמשנו אמר  
להן ר' יהושע הניחו לו שישמש שמצינו  
שגדול מרבן גמליאל שמש את הבריות  
אמרו לו אי זה זה אמר להם  
אברהם אבינו גדול  
העולם ששימש מלאכי  
השרת והיו סבור בהן

D

מכילתא דרשב"י י"ח י"ב

כמה וכמה דרבנן גמליאל שעומד ומשמש לפני בני אדם כשרים ועוסקין בתורה. אמר להם ר' צדוק מצאנו גדול מאברהם ומרבן גמליאל שעומד ומשמש אמרו לו היזה אמר להם אלוה השמים ברוך הוא שנותן לכל אחד אחד ואחד צרכיו ולכל גויה וגויה די מחסורה שנ' נותן להם לכל בשר (תה' קל"ו כ"ה) ואומר נותן לבהמה לחמה (שם קמ"ז ט') ולא בני אדם כשרים אלא בני אדם עובדין ע"ז ומכעיסין לפניו על אחת כמה וכמה דרבנן גמליאל שעומד ומשמש לפני בני אדם כשרים ועוסקים בתורה.

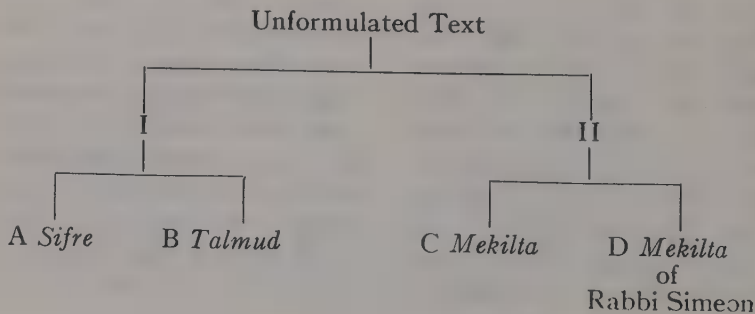
C

מכילתא יתרו, עמלק, פ"א

שהם בני אדם ערביים עובדי עבודה זרה רבן גמליאל שישמש חכמים לומדי תורה על אחת כמה וכמה. אמר להן ר' צדוק הניחו לו שישמש מצינו גדול מרבן גמליאל ומאברהם שישמש את הבריות אמרו לו אי זה זה. אמר להם שכינה שבכל שעה מספיק מזון לכל באי העולם כדי צרכן ומשביע לכל חי רצון ולא לבני אדם הכשרים והצדיקים בלבד אלא אף הרשעים עובדי עבודה זרה רבן גמליאל על אחת כמה וכמה שישמש חכמים ובני תורה.

It is obvious from even a cursory examination of these texts that neither A and B nor C and D are identical. But the differences in style between A and B, and between C and D, are slight in comparison with their similarities.

We may therefore draw the following diagram of the transmission of this *baraita*:



In view of the fact that A, B, and C belong to different versions, it is curious to find all three using the same words in describing Abraham: גרול העולם. (In D, these are replaced by גרול הדור.) Obviously these words were formulated as a fixed expression, before the remainder of the *baraita* had been given such a formulation. The person repeating the *baraita* in the source used by *Mekilta Jethro* had no hesitation in changing the greater part of it, and expressing it in his own language. But he felt compelled to use the expression: גרול העולם.

Yet certainly it could not have been written down. If it had been written down, how could that particular expression have been altered in D (*Mekilta* of Rabbi Simeon)? What actually happened then is that the early transmitters of the *baraita* had put the expression גרול העולם into a fixed formula; which was repeated in every case when the *baraita* occurred, namely, the *Talmud*, the *Sifre*, and the source of *Mekilta*. When the compilers of our present *Mekilta* and *Mekilta* of Rabbi Simeon came to put the words into writing, they felt free to use their own style. The compiler of *Mekilta* retained the ancient expression; the compiler of *Mekilta* of Rabbi Simeon did not.

In the following example we are fortunately able to recognize the older version, and see how it became corrupted in its later form, while retaining some of the original expressions. The *aggadist* contrasts the attitude of Moses and David; the former desiring that his sin be told, the latter that his be concealed.<sup>3</sup> The principal places where the incident is cited are: *Sifre* Num. 137, Fr. 51b, Hor. 183; *Sifre* Deut. 26, Fr. 70b, Fi. 36; *B. Yoma* 86b; *Lev. R.* 31.4. Of these the older version (I) occurs in *Sifre* Numbers (A) and *Yoma* (B); the younger version (II) in *Sifre* Deut. (C) and *Lev. R.* (D). The texts are as follows:

#### A

#### ספרי במדבר פי' קל"ז

שני פרנסים עמדו לִישְׂרָאֵל אחד אמר אל יכתב סורחני ואחד אומר יכתב סורחני. דוד אמר אל יכתב סורחני שנאמר לְדָוִד מִשְׁכִּיל אֲשֶׁרִי נָשׁוּי פֶשַׁע כִּסִּי

<sup>3</sup> For the discussion of the contemporary references in this parable, see I. Ziegler, *Die Koenigsgleichnisse des Midrasch*, p. 121.

חטאה (תהלים ל"ב א'). משה אמר יכתב סורחני שנאמר על אשר מריחם פי במדבר סין במריבת העדה להקדישני. משל למה הדבר דומה לשתי נשים שהיו לוקות בבית דין אחת לוקה על שקלקלה ואחת לוקה על שנגבה פני שביעית זו שנגבה פני שביעית אומרת בבקשה מכס הודיעו סורחני שלא יהיו העומדים סבורים לומר כשם שזו קלקלה אף זו קלקלה. תלו לה הפנים בצוארה והיה הכרוז מכריז לפניה על הפנים זו לוקה.

## B

## יומא פ"ו ע"ב

שני פרנסים טובים עמדו להם לישראל משה ודוד משה אמר יכתב סורחני שנאמר יען לא האמנתם בי להקדישני דוד אמר אל יכתב סורחני שנאמר אשרי נשוי פשע כסוי חטאה משל דמשה ודוד למה הדבר דומה לשתי נשים שלקו בבית דין אחת קלקלה ואחת אכלה פני שביעית אמרה להן אותה שאכלה פני שביעית בבקשה מכס הודיעו על מה היא לוקה שלא יאמרו על מה שזו לוקה זו לוקה הביאו פני שביעית ותלו בצוארה והיו מכריזין לפניה ואומרין על עסקי שביעית היא לוקה.

## C

## ספרי דברים פי' כ"ו

שני פרנסים טובים עמדו להם לישראל משה ודוד מלך ישראל, משה אמר לפני הקדוש ברוך הוא, רבנו של עולם, עבירה שעברתי תכתב אחרי שלא יהו הבריות אומרים דומה שזיין משה בתורה או שאמר דבר שלא נצטוו משל למלך שגזר ואמר כל מי שאוכל פני שביעית יהיו מחזרים אותו בקנפון הלכה אשה אחת בת טובים לקטה ואכלה פני שביעית והיו מחזרים אותה בקנפון אמרה לו בבקשה ממך אדוני המלך הודיע סרחוני שלא יהו בני המדינה אומרים דומה שנמצא בה דבר נאוף או שנמצא בה דבר כשפים הם רואים פנים תלויים בצוארי ויודעים שבשבילים אני מחזרת כך אמר משה לפני המקום עבירה שעברתי תכתב אחרי אמר לו הקדוש ברוך הוא הריני כותבה שלא היתה אלא על המים שנאמר כאשר מריחם פי וגו'.

## D

## ויקרא רבה ל"א ד'

ר' יהודה משלו משל למה ד' למלך שגזר ואמר כל מי שיבקש ויאכל מפירות שביעית יהו מחזירין אותו בקמפון הלכה אשה אחת בת טובים ולקטה ואכלה מפירות שביעית התחילו מחזירין אותה בקמפון והיתה צווחת ואומרת בבקשה ממך אדוני

המלך תלה את הפגין הללו בצוארי כדי שלא יהו הבריות אומרות דומה לנו שנמצא בה דבר של ערוה או דבר של כשפים אלא מתוך שרואים את הפגין בצוארי הן יודעין שבשבילן אני מחזרת כך אמר משה לפני הקב"ה רבון העולם כתוב בתורתך מפני מה אני נכנס לארץ שלא יהו ישראל אומרים דומה לנו שזייף משה את התורה או אמר דבר שלא נצטוו אמר לו הקב"ה חייך שאני כתב שלא היתה אלא על המים הה"ד כאשר מריתם פי במדבר צין.

Version I is clearly the older, and comes from a time when Jewish courts still retained the right of inflicting the punishment of stripes. This would be inflicted on a woman who transgressed the law of the sabbatical year, as well as one who violated the laws of chastity. Version II apparently derives from a time when the Jewish courts no longer could exercise such jurisdiction. Accordingly, it transfers the scene from the Jewish court, to the royal court, and substitutes the Roman custom of leading the criminal through the arena for the Jewish punishment of stripes. Nevertheless, the sin for which the lesser offender is punished still remains "gathering the fruits of the sabbatical year," a sin which the Romans would not recognize.<sup>4</sup>

Another example of this textual phenomenon may be found in a *baraita* which is less typically *aggadic*. The following *baraita* occurs in (A) *Tosefta Berakot* 1.4, p. 1; (B) *B. ibid.* 11a; (C) *Yer. ibid.* 1.6, 3b; (D) *Sifre Deut.* 34, Fr. 74b, Fi. 62:

#### A

### תוספתא ברכות א' ד'

מעשה בר' ישמעאל ור' אלעזר בן עזריה שהיו שרויין במקום אחד והיה ר' ישמעאל מוטה ור' אלעזר בן עזריה זקוף והגיע זמן קרית שמע נוקף ר' ישמעאל והיה ר' אלעזר בן עזריה מוטה אמר לו ר' ישמעאל מה זה אלעזר אמר לו ישמעאל אחי אומרים לאחד למה זקנך מגודל אמר להם כנגד המשחיתים אני שהייתי זקוף

<sup>4</sup> Ziegler, (*loc. cit.* n. 121) presumes that the later version refers to some prohibition of the export of figs during the year of a bad harvest. But obviously such a prohibition is not what the text presupposes. The most natural explanation of the later text is that given, namely that it was formulated when gathering figs of the Sabbatical year was punishable, but changes the form of punishment to suit contemporary conditions.



הייתי, אתה שהיית מוטה נוקפת. אמר לו אתה היית לקיים כדברי בית שמאי ואני נוקפתי לקיים כדברי בית הלל, דבר אחר שלא יראו התלמידים ויעשו קבע כדברך.

## B

## ב' ברכות י"א ע"א

ומעשה ברבי ישמעאל ור' אלעזר בן עזריה שהיו מסובין במקום אחד והיה ר' ישמעאל מוטה ור' אלעזר בן עזריה זקוף כיון שהגיע זמן קריאת שמע הטה רבי אלעזר וזקף ר' ישמעאל אמר לו רבי אלעזר בן עזריה לר' ישמעאל ישמעאל אחי אמשול לך משל למה הדבר דומה משל לאחד שאומרים לו זקן מגודל אמר להם יהיה כנגד המשחיתים אף כך אתה כל זמן שאני זקוף אתה מוטה עכשיו כשאני הטתי אתה זקפת אמר לו אני עשיתי כדברי ב"ה ואתה עשית כדברי ב"ש ולא עוד אלא שמא יראו התלמידים ויקבעו הלכה לדורות.

## C

## ירו' ברכות א' ו'

תני מעשה בר' אלעזר בן עזריה ור' ישמעאל שהיו שרויין במקו' אחד והיה ר' אלעזר בן עזריה מוטה ורבי ישמעאל זקוף. הגיע זמן עונת קרית שמע נוקף ר' אלעזר בן עזריה והטה רבי ישמעאל. א"ר אלעזר לר' ישמעאל אומר לאחד בשוק מה לך זקן מגודל והוא אומר יהיה כנגד המשחיתים. אני שהייתי מוטה נוקפתי ואת' שהיית זקוף הית. אמר לו אתה נוקפת כדברי בית שמאי. ואני הייתי כדברי ב"ה. ד"א שלא יראוני התלמידים ויעשו הלכה קבע כדברי בית שמאי.

## D

## ספרי דברים פי' ל"ד

וכבר היה רבי ישמעאל מוטה ודורש ורבי אלעזר בן עזריה זקוף, הגיע זמן קריית שמע נוקף רבי ישמעאל והטה רבי אלעזר בן עזריה, אמר לו רבי ישמעאל, מה זה אלעזר, אמר לו, ישמעאל אחי, אמרו לאחד, מפני מה זקן מגודל, אמר להם יהי כנגד המשחיתים, אמר לו, אתה היתית כדברי בית שמאי ואני נוקפתי כדברי בית הלל. דבר אחר שלא יקבע הדבר חובה שבית שמאי אומרים בערב כל אדם יטו ויקראו ובבוקר יעמדו.

The extant texts clearly disagree as to whether the incident occurred with regard to the morning or evening recitation of the *Shema*. Three texts, *Tosefta*, *Babli*, and *Sifre*, report that it

occurred in the evening; and that Rabbi Eleazar followed the view of *Bet Shammai* by lying down to read the *Shema*. But *Yerushalmi* maintains that it was the morning *Shema*, and that Rabbi Eleazar *arose* to recite it. All texts agree that Rabbi Ishmael did the opposite of what the Shammaites demand; and that Rabbi Eleazar explained that he acted according to *Bet Shammai*, precisely because Rabbi Ishmael acted according to *Bet Hillel*. The words which are identical in all texts are:

אומרין לאחד למה זקנך מגודל אומר להם כנגד המשחיתים  
(תוספתא) אמרו לאחד מפני מה זקנך מגודל אמר להם יהי כנגד  
המשחיתים (ספרי) שאומרים לו זקנך מגודל אמר להם יהיה  
כנגד המשחיתים (בבלי) אמר לאחד בשוק מה לך זקנך מגודל  
והוא אומר יהיה כנגד המשחיתים (ירושלמי).

This is apparently a fixed formula, about which the whole story revolved. So fluid was the text that it was possible for one transmitter, (*Yerushalmi*) to change a number of details, with regard to it. But even the oldest form had had the final phrase, reading approximately, קבע כדברך ויעשו קבע כדברך which occurs in various forms in all texts.<sup>5</sup>

It is obvious from the examples cited, that in most instances the catchwords which were transmitted either orally or in writing, were subsequently enlarged to form our present complete *baraitot*. But that was not always done. Frequently only part of the *baraita* was recalled by the transmitter from the catchword, and the rest was forgotten. Thus even in the examples cited above, the words of Rabbi Eleazar of Modin, as a comment on Psalm 29, can be reconstructed fully, through the use of all the texts of the *baraitot*. I have elsewhere<sup>6</sup> called attention to the interesting passage in *Abot* of Rabbi Nathan (chap. 1, p. 3b) which has been preserved in two different forms, which supplement each other. The texts follow:

<sup>5</sup> The expression קבע כדברך ויעשו קבע כדברך can only mean what is made more explicit in the version of *Yer.* ויעשו הלכה קבע כדברך בית שמאי "they will fix a legal formula."

<sup>6</sup> JBL LVII (1938), p. 40.

### אדר"נ נו"א

ר' שמעון בן אלעזר אומר אמשול דך משל למה אדם הראשון דומה לאדם אחד שנשא את הגיורת היה יושב מפקדה אמר לה בתי אל תאכלי פת בשעה שידוך טמאות ואל תאכלי פירות שאינן מעושרין אל תחללי שבתות ואל תפרצי בנדרים ואל תלכי עם איש אחר הא אם עברת על אחת מהן הרי את מתה. מה עשה האיש ההוא עמד ואכל פת בפניה בשעה שידיו טמאות ואכל פירות שאינן מעושרין וחלל שבתות ופרץ בנדרים והושיט לה בידיו מה אמרה גיורת ההיא בלבה כל הדברים שפקדני בעלי מתחלה שקר הם מיד עמדה ועברה על כולם.

### אדר"נ נו"ב

ר' ישמעאל ור' שמעון בן אלעזר אומר למה היתה חוה דומה באותה שעה לאחד שנשא אשה גיורת ואמר לה אל תאכלי מן הפת עד שתטילי את ירך ולא מן הפירות עד שתעשרי [אותם] הלכה ואכלה מן הפת ולא נטלה את ידיה מן הפירות ולא עשרה ומצא הפתח ליכנס בו.

Version I reads: "Rabbi Simeon ben Eleazar says, I will explain the matter to you by a parable. To whom may Adam be compared? To a man who married a proselyte, and was admonishing her. He said to her, My daughter, do not eat bread with hands that are levitically unclean; and do not eat fruits which are not tithed; do not violate the Sabbath; and do not break your vows; and do not go about with another man. But if you transgress these rules, you shall die. What did that man, however, do? He ate bread in her presence with hands unwashed, and ate fruits which were not tithed, and violated the Sabbath, and broke his vows, and offered some of the forbidden foods to his wife. What did that woman naturally think? Everything which my husband commanded me is false, and immediately she arose and violated his other commands."

Version II reads: "Rabbi Simeon ben Eleazar says: To whom may Eve be compared at that time? To a person who married a proselyte. And he said to her, Do not eat bread before you wash your hands; nor fruits before you tithe them; and she went and ate bread without washing her hands, and fruits without tithing them, and so found a door to enter through it (into graver sin)."

It is clear that the point which Rabbi Simeon ben Eleazar really made was that Adam by forbidding Eve to touch the

Tree of Knowledge, and threatening her with death if she did, (whereas God had only forbidden eating its fruit) opened the way to her transgression. She violated Adam's command against touching the Tree without punishment, and was led to the further sin of eating the fruit. Version I indicates this by telling us that the unwise husband of the proselyte had warned her against eating untithed fruit with the same emphasis which he placed on her observance of her marriage vows and the sabbath. Nevertheless the point is not specifically stated. Version II, which is briefer, indicates the point less clearly. The husband did not err in warning his proselyte wife against eating untithed fruit or eating bread with unwashed hands. He erred in saying that such action would lead to her death. When she found that these sins did not, other sins of a graver nature, followed.

The fact that each of the versions contains only an abbreviated form of the story, suggests that the compilers of the present version relied on the imagination of the reader to supply the missing parts, or that part of the tradition had actually been lost in the process of transmission.

This phenomenon accounts for the curious fact that frequently parables occur in the *tannaitic midrashim* in syncope, and therefore unintelligible form. Thus in *Sifre Deut.* 3, Fr. 66a, Fi. 11, we find the following interesting passage:

משל למלך שיצא הוא וחילותיו למדבר אמרו לו חילותיו תן לנו גלסקאות  
 חמות אמר להם אני נותן שוב אמרו לו חילותיו תן לנו גלסקאות חמות אמר להם  
 הפרכוס שלו בשביל שהמלך כשר מאין לו ריחים מאין לו תנורים במדבר כך  
 אמר משה אם מוכיח אני את ישראל תחלה עכשיו יאמרו עדי בשביל שאין בו כח  
 להכניסנו לארץ ולהפיל סיוחן ועוג לפנינו הוא מוכיחנו הוא לא עשה כן אלא לאחר  
 שהכניסם לארץ והפיל סיוחן ועוג לפניהם אחר כך הוכיחם.

"This is to be compared to a king, who went out, with his armies, into the wilderness. His armies said to him, Give us warm loaves. He said, I will provide them. Again they said, Give us warm loaves. Thereupon the hyparchos said to them, Because the king is worthy (you make demands on him); otherwise, whence shall he obtain a mill, whence shall he obtain ovens in the wilderness. So Moses said, If I reprove Israel first, they will say

about me, Because he lacks the power to take us into the Land, and to vanquish Sihon and Og before us, he reproves us. He did not do so; but after he had vanquished Sihon and Og before them, then did he reprove them."

Now in the form in which the parable is given in the text, there is no similarity between it and the incident to which it is compared. The whole point, namely that the hyparchos reproved the army for asking the impossible, *after the king was victorious and was able to give them their wants*, is omitted from the text! This omission cannot be ascribed to an error of the copyist; the gap is fundamental. It is the result of the transmitter's or copyist's failure to supply the missing or implied part of the text.

In one interesting passage, the extant versions of the *Sifre* Deut. have preserved what are apparently the shorthand notes for an ancient *aggadic baraita*, without any expansion. The text, (*Sifre*, Deut. 304. Fr. 129a, Fi. 323) reads as follows:

קרא את יהושע, משיב משה לפני הקב"ה רבש"ע הואיל ואני נפטר בנים גדול מן העולם הראיני אדם נאמן שיעמוד על ישראל שאצא ידיהם לשלום וכן הוא אומר אשר יצא לפניהם ואשר יבא לפניהם ואומר ויאמר ה' אל משה קח לך את יהושע בן נון ואומר אחות לנו קטנה ושדים אין לה ארבע מלכיות מושלות בהם בישראל ואין בהם בישראל ואין בהם חכם ואין בהם נבון בימי אחאב מלך ישראל ובימי יהושפט מלך יהודה היו ישראל נפוצים על ההרים כצאן אשר אין להם רועה ויאמר ה' אל משה קח לך את יהושע בן נון קח לך גברתן שכמותך . . . . . ר' נחמיה אומר אין לי רשות הא יש לי רשות אכניסם בצד אהלי רועים שיהיו יושבים בו.

The words are quite unintelligible as they stand. "Moses said before God, Since I am departing in the midst of deep anger from this world, show me a faithful person who will stand before Israel, who will satisfy them with peace. And thus Scripture says: 'Who may go out before them, and who may come in before them, . . . that the Congregation of the Lord may not be as sheep which have no shepherd (Num. 27.17).' And another verse reads, 'We have a little sister and she has no breasts; what shall we do for our sister, etc. (Cant. 8.8).' Four Kingdoms will rule over Israel; and there is none among them who has under-

standing, and none who has wisdom. And thus in the days of Ahab, King of Israel, and Jehoshaphat, King of Judah, Israel was scattered on the mountains, like sheep which have no shepherd. (I Kings 22.17). *And the Lord said unto Moses: Take thee Joshua the son of Nun, a man as strong as thou . . .* R. Nehemiah says, 'I have no authority. But had I authority, I should bring them into the shepherds' tents.' "

Some light is thrown on the passage, by the parallel *baraita* cited in *Sifre* Numbers 139, Fr. 52a, Hor. 186: which reads:

### ספרי במדבר פי' קל"ט ק"מ

ולא תהיה עדת ה' כצאן אשר אין להם רועה ועליו מפורש בקבלה הגידה די שאהבה נפשי איכה תרעה איכה תרביץ בצהרים שלמה אהיה כעוטיה (שה"ש א' ז') כענין שנאמר ועטה את ארץ מצרים כאשר יעטה הרועה את בגדו (ירמיה מ"ג י"ב). שלמה אהיה כעוטיה על עדרי חבריך על עדרי אברהם יצחק ויעקב. צא וראה מה הקב"ה השיבו אם לא תדעי לך היפה בנשים מעולה שבנביאים צאי לך בעקבי הצאן בעקבים אני עושה עמהם. ורעי את גדיותיך מנין אתה אומר שהראהו המקום למשה כל הפרנסים העתידים לשמש את ישראל מיום שיצאו מן המדבר עד שיחיו המתים שנאמר צאי לך בעקבי הצאן. ויאמר ה' אל משה קח לך את יהושע בן נון קח לך את שב לבך קח לך מה שבדוק לך ועליו מפורש נוצר תאנה יאכל פריה >ושומר אדניו יכבד (משלי כ"ו י"ח)< איש אשר רוח בו שיכול להלך כנגד רוחו של כל אחד ואחד.

"Who may go out before them, and who may come in before them . . . that the Congregation of the Lord may not be as sheep which have no shepherd. Regarding him it is explained in the Hagiographa, 'Tell me, O thou whom my soul loveth, where thou feedest, where thou makest thy flock to rest at noon; for, why should I be as one that veileth herself, beside the flock of thy companions (Cant. 1.8).' . . . (This is to be interpreted as follows) 'Why should I be as one that veileth herself, beside the flock of Abraham, Isaac, and Jacob?' Go forth and see what the Holy One replied to him: 'If thou know not, O thou fairest among women,' (this means) 'thou fairest among the prophets,' 'Go thy way forth by the footsteps of the flock,' (this means) 'the final steps which I am preparing for them'; 'And feed thy kids (besides the shepherds' tents).' Whence do we know that God



showed Moses all the leaders who are destined to serve Israel from the day when they left the wilderness until the Resurrection? Because it is said, 'Go thy way forth by the footsteps of the flock (and feed thy kids besides the shepherds' tents).'"...

We notice at once that Rabbi Nehemiah's enigmatic statement in *Sifre* Deut. about the shepherds' tents, is simply a reference to the longer explanation preserved in *Sifre* Numbers. The shepherds' tents of Cant. 1.9, are interpreted to mean the day of final Judgment and Resurrection. Moses is made to say that he had no authority to do so; but had it depended on him he should have liked to lead Israel to that day. The remark that Moses saw all the future leaders of his people also explains the brief reference to the four kingdoms which will rule over Israel. These kingdoms are not, clearly, as Friedmann in his note maintains, the four divisions of the Hebrew tribes in the wilderness. The kingdoms refer to the four world empires, to which that expression usually refers, and are predicted in Dan. Chap. 3. According to the usual rabbinic interpretation, these empires are: Babylonia, Persia, Macedonia, and Rome. Interpreted in the light of these facts the passage on *Sifre* Deut. must be expanded as follows:

"Moses replied to God, 'Since I am departing from the world in the midst of great anger, show me a faithful person who will stand before Israel, so that he may satisfy them with peace.' And thus he says, 'who may go out before them, and who may come in before them, . . . that the Congregation of the Lord may not be as sheep that have no shepherd.' And in another verse this thought is explained more fully, (Moses saying to God), 'We have a little sister (i. e., Israel) and she has no breasts; what shall we do for our sister, etc. (Cant. 8.8).' (He said further) 'Four kingdoms are destined to rule over Israel, and (how can they survive) if they have neither man of understanding nor sage? (And he pointed) to the days of Ahab, King of Israel and Jehoshaphat, King of Judah, when (Scripture says) Israel was scattered on the mountains, like sheep which have no shepherd. Thereupon the Lord God said unto Moses, Take thee Joshua the son of Nun."

This passage was doubtless intended to be followed by one

similar to that cited above, making Cant. 1.8 the subject of a conversation between God and Moses. The final reference to the "shepherds' tents" in that verse led to Rabbi Nehemiah's remark that Moses wished he had authority to take Israel into the shepherds' tents.

We have then in *Sifre* Deut. 304, the curious phenomenon of the preservation of ancient notes for a *Midrash*, instead of the text of the *Midrash* itself.



## THE PROBLEM OF THE ANONYMOUS MISHNA

### A Study in the History of the Halakah

ALEXANDER GUTTMANN, Hebrew Union College, Cincinnati

IT IS well known that, as regards date, authorship, halakic value, and historical influence, great diversity exists among the Halakot of the tannaitic period, the period which we shall investigate in this study. While date and authorship have a vital bearing on structure and on historical value,<sup>1</sup> it is otherwise with the relation of date and authorship to the impact of a Halakah upon future legalistic developments. From date and authorship, future effects cannot be inferred offhand. Many other factors play a part — among them, conditions of the age and the locality.<sup>2</sup>

Talmudic interest in the date of a Halakah appears with comparative rarity. A positive example of such interest would be the *Halakot le-Mosheh mi-Sinai*.<sup>3</sup> A negative example would be the *Mishnah Rishonah*.<sup>4</sup> Of more urgent concern to the Talmud and of greater consequence for a Halakah's further unfolding, is the question of source and origin. Is a given Halakah ascribed to one individual author, or is it imputed to a number of authors? At least can it be so worded that a multiplicity of authors is implied? With the Talmud, this is a cardinal issue. We differentiate, accordingly, between different types of halakic text, two of which may be noted at this point:

1. Halakot of which the authors are mentioned by name.
2. Halakot in connection with which no name of an author is given; that is, the anonymous Halakot.

<sup>1</sup> See Alexander Guttman, *Dezisionsmotive im Talmud*, Berlin, 1938, pp. 8 f.

<sup>2</sup> See Michael Guttman, *Zur Einleitung in die Halacha*, I, pp. 30 ff., Budapest, 1909; II, pp. 58 ff., *ibid.*, 1913.

<sup>3</sup> See especially Ch. Tschernowitz, *חולדות ההלכה*, I, New York, 1934, pp. 28 ff.

<sup>4</sup> See Hoffmann, *Die erste Mishna* usw., Berlin, 1882.

A careful examination of the anonymous Halakah will reveal that this matter is not so simple. In the first place, one discovers a great number of anonymous Halakot that contradict one another. This is especially evident in the case of those of the Mishna on the one hand and those of the Baraitot, particularly those of the Tosefta, on the other. This is a subject with which we have dealt in another place.<sup>5</sup> There remains, however, the further question as to the nature of the anonymous Halakah which occurs within the Mishna itself. In dealing with this, one may apply two standards. One is the standard of the historian who seeks to discover factual matters contemporary or earlier than the Mishna text from the Mishna text. The other is the standard of the Talmud which investigates the halakic nature, that is, the legal force of the mishnaic material, in order to determine what must be retained and what discarded in religious practice. Although the historian and the Talmudist are not opposed to one another, nonetheless there is a distinct contrast in the orientation of their work. The historian deals with events which have already taken place, and therefore he tends to project the material which he is examining backwards, so that from what he has at hand he can discover and reveal, as far as possible, the events of the past. The Talmud, on the other hand, faces forward. It deals with the Mishna as a fact in the Talmud's own time and in the future. It also seeks to construct norms for the future out of the traditional material of the Mishna. Thus the historian and the Talmud regard the anonymity of mishnaic statement differently. The Talmud attempts to absorb matters which are connected with particular times into norms which are timeless; and thus anonymity which does not contain a temporal element provides the Talmud with a motive for making legal decisions.<sup>6</sup>

The Talmud, nonetheless, does not use this anonymity schematically. It classifies the anonymous Mishnaiot and seeks in countless ways to discover the author of a given statement. This is not merely a kind of academic investigation but is a

<sup>5</sup> A. Guttman, *Das redaktionelle und sachliche Verhältnis zwischen Mischna und Tosephta*, Breslau, 1928, pp. 129 ff. and 192 f.

<sup>6</sup> *Ibid.*, pp. 35 ff. and 186 f.

method by which the legislation of *Rabbi* is revised or criticised. Thus, through the ascription of an anonymous Halakah to an individual, the legal character of that Halakah can, according to the circumstances, be either dismissed or affirmed without much difficulty. These circumstances through which a Halakah is accepted or rejected are manifold. They may consist, for example, in certain temporal conditions, in current practices, and the like. Very often, however, the personality of the author turns the scales, and it is for this reason that the Talmud contains, among others, the recurrent question *מני מתניתין* and similar expressions. It is only when the attempt to discover the author fails that we have a really anonymous Mishna. This result sufficed for the most part to determine the legal character of a statement. It sufficed usually — but not always. It would hardly suffice, for example, in the case of the numerous anonymous statements that contradict one another. Such statements, as is well known, occur within the Mishna itself. And yet this phase of our subject happens to be the less difficult. The truly difficult problem is that of investigating and, if possible, determining the authorship of the anonymous Mishnas. This is a question which, once the Mishna was closed, became a basic issue and acquired an especial prominence.

The point of departure for the discussion of this problem seems to be found in two places in the Talmud, one in the Babylonian and the other in the Palestinian. The statement in Sanh. 86a reads as follows: *דאמר רבי יוחנן סתם מתני' רבי מאיר סתם תוספתא: ר' נחמיה סתם סיפרא ר' יהודה סתם סיפרי ר' שמעון וכולהו אליבא דר' עקיבא*. The statement in Yer. Yeb. IV.11 reads: *אמר רבי יוחנן כל מקום ששנה סתם משניות דרבנן עד שיפרש לו רובו (=רבו) רבי שמעון בן לקיש אומר כל סתם משניות דרבי מאיר עד שיפרש לו רובו אמר רבי ועירא קומי רבי יוסי לא דרבי שמעון בן לקיש פליג אלא דו חמי רוב סתם משניות דרבי מאיר*.

R. Ze'ira's attempt to harmonise the conflicting opinions is not conclusive in spite of the opinion of Z. Frankel, regarding which Frankel himself was not completely convinced.<sup>7</sup> At the outset, the fact that R. Johanan and R. Simeon b. Lakish are in general opponents makes such an attempt suspicious. Never-

<sup>7</sup> דרכי המשנה <sup>7</sup> p. 212, note 7.



theless, R. Ze'ira's comment is of utmost importance for textual criticism, inasmuch as it furnishes authentic proof of the correctness of our text. (For other proof, see below.) We may safely assume that R. Ze'ira who knew R. Johanan personally,<sup>8</sup> had *our* text before him when he attempted the harmonisation.

At first glance, it appears that the two passages quoted above are contradictory. The statement of R. Johanan in *Babli* is apparently at odds with his position in *Yerushalmi* and is in agreement with the position taken there by Resh Lakish who opposes him. Thus

- 1) R. Johanan in Babli סתם מתניתין רבי מאיר
- 2) R. Simeon b. Lakish in Yer. כל סתם משניות דר' מאיר
- 3) R. Johanan in Yer. כל מקום שנה סתם משניות דרבנן

The translation of A. Freedman which is based on the usual scientific dictionaries and translations reads:

"R. Johanan said: '(The author of) an anonymous Mishna is R. Meir; of an anonymous Tosefta, R. Nehemiah; of an anonymous (dictum in the) Sifra, R. Judah; in the Sifre, R. Simeon; and all are taught according to the views of R. Akiba.'"

It has long been recognised that this and other translations which interpret the relationship of R. Meir (or Rabbi) to סתם משנה to be one of origin, are wrong. In the course of this paper it will be demonstrated that such an interpretation is impossible: for not only do the talmudic sources themselves contradict it; the classical scientific investigators and codifiers of the Halakah reject it likewise. All of this will be discussed in detail in another article. In our present discussion, it is of moment only insofar as it has linked with it reflections upon the subject of anonymity, which constitutes the problem before us.

## II

In order to clarify this matter, we must first explain something about the practices prevailing in the Jewish schools of antiquity.

Long before the destruction of the Second Temple, the Jewish schools of Palestine followed an oral method of instruc-

<sup>8</sup> See Isaak Halevy דורות הראשונים II, pp. 302 ff.

tion. Such a method is to be found in the schools of other peoples as well, but the Jewish schools differed from those of other peoples in that not only were the lessons taught orally, but also the *entire material* studied was transmitted in the same fashion. The existence of other religious writings alongside of Holy Writ was not countenanced; nor was the use of either notes or books allowed in the oral teaching of the materials studied.<sup>9</sup>

By virtue of this rule, the extra-biblical traditions were transmitted essentially by word of mouth, and no (official) fixing in written form of any of the material used in the teaching of religious law was possible. It is not difficult to discover from the literary-historical point of view the impression that such an oral method of teaching made upon style. While an authoritative written text takes on a static character with fixed norms and conventions, the method of oral transmission has a certain natural flexibility which remains with it even when later on it is reduced to writing. The notes which were prepared in secret and the traditional teachings which were collected and later written down, clearly reveal the style of an oral discussion. The Midrash, Mishna and similar sources of traditional Jewish literature were, in like manner, records of the work which developed in the schools. They lack the literary idiom of written works but, in place of this, they reveal certain phenomena which would hardly be noticed in the more usual works of literature.

Two basic problems arise out of this oral transmission of teachings and statements. One is that of the origin of a teaching and the other is that of the quality of its transmission. It is quite clear that these two elements depend largely upon the memory of individuals or on the traditions of the schools. It is self-evident that the oldest component parts of traditional material have their individual origins hidden in the darkness of the past and must depend upon their transmitters for their authority. Thus the trustworthiness and the authority of this material rests upon the recognition which the transmitter of the traditions might command. A single example will suffice to

<sup>9</sup> b. Git, 60 b. Compare especially: M. Guttman, *Clavis Talmudis* IIIa, Supplement, p. 5.

explain the matter. In Mishna Yad. IV.3, R. Eliezer makes a statement, the origin of which is designated as הלכה למשה מסיני whereupon the chain of tradition is traced back to the point of origin: בכה רבי אליעזר ואמר... מקובל אני מרבן יוחנן בן זכאי ששמעו רבו ורבו מרבו הלכה למשה מסיני...

In the first place, it is worthy of note that, in this chain of tradition, the last link has only a formal character (see the commentaries of Simon of Sens and Asheri), while the real origin is lacking. Furthermore, the chain of tradition itself remains indeterminate for, in place of the names of the actual transmitters of the tradition, there occurs the phrase רבו ורבו. Only the two latest transmitters, R. Eliezer and R. Johanan b. Zakkai are mentioned by name. Thus the authority of this tradition depends upon the last transmitter who, as the pupil of R. Johanan b. Zakkai, could most readily have received the tradition orally.

In 'Eduy. VIII, 7 there is another similar construction which also comes from a pupil of R. Johanan b. Zakkai. Here the same uncertainty about the authorship is to be noted (see the commentary of Maimonides *ad loc.*). Thus in this case as above, the authority of the statement rests not upon its author but upon R. Johanan b. Zakkai by whom the tradition was transmitted. We find in 'Eduyot a series of statements in which events or traditions are reported but in which those witnessing the events or handing down the traditions leave the names of the originators unmentioned; notwithstanding the fact that, upon those originators, rested the validity of the practices to which the statements in question testify. Consult especially 'Eduy. II and VI.

There are any number of cases in which the transmitter of a teaching supports his teaching with the simple declaration: שמעתי "I have heard." Cf. Pes. IX.6 (R. Joshua); Yeb. VIII, 4 (likewise R. Joshua), where in both instances R. Akiba explains the obscure statements presented by R. Joshua. Similar passages are to be found in Orla I.7 (R. Joshua); 'Erub. V.4 (R. Meir); Sheb. VI.5-6 (R. Simeon). (For further examples see Bacher, *Traditionen und Tradenten*, pp. 10 f.) Also connected with this are those halakic traditions whose authors are never even once hinted at and where, therefore, any information concerning matters of halakic importance has practical value, no matter

whether stated by the author or by the transmitter. Cf. Meg. 10b top, where transmission alone is assigned an important role. . . . ולא אלו בלבד אלא כל שתעלה דך מסורת בדרך מאבותיך שמוקפת חומה מימות יהושע בן נון כל המצות הללו נוהגין בה. A further important practical example is found in H. Hul. 63b toward the end, in the rule of R. Isaac indicating how a clean bird may be recognised: א"ר יצחק עוף טהור נאכל במסורת נאמן הצייד לומר עוף זה טהור מסר לי רבי. It is evident from the above examples that a very important part of the traditional halakic material had, in very early times already, been completely divorced from its authors, and that the authority of such material depended upon the transmitters, especially upon the later or the last of them. With comparative rarity did the later authorities who decided cases on the basis of traditional halakic material trouble themselves about the authorship of any tradition. In the majority of cases in which the name of the author of a teaching was not given, the transmitters became the source of authority.

With these facts in hand, we may now return to our discussion of the concept of סתם, in so far as it is connected with traditional material transmitted in the manner described above. In this connection, סתם can only mean that the teaching does not have a known author (or transmitter). The fact is that, when a statement is given as *Setam*, it indicates that this negative attribute has a permanent character, at least within the school in which it is considered *Setam*. Thus, when a *Setam* teaching occurs in a work whose author or redactor is known, it cannot be simply assumed that this statement is his, although in an ordinary literary work when the author does not cite a source, such is generally assumed. However, in talmudic works and notes, such an assumption is unwarranted, as is clearly revealed in the manner in which these works and notes were produced. They were essentially nothing other than a record of the subjects discussed and elucidated in the schools. These notations have necessarily an impersonal character. The respective opinions were imputed to authors whose identity would be determined in the school room, often as a result of discussion, or whose identity remained undetermined — in which case the status of *Setam* would persist.

We shall now follow up these preliminaries by setting forth how three outstanding authorities interpreted the concept of *Setam*-Mishna. The first view is that of R. Sherira Gaon who deals with this concept in connection with his discussion of the redaction of the Mishna in his *Iggeret*. The second is the definition of Maimonides; and the third is that of the modern authority, the zealous exponent of the scientific investigation of talmudic writings, Z. Frankel:

1) Sherira:<sup>10</sup> וסתם מתני' רב מאיר ולא אמרן מלבו אלא ההיא אורחא דגמרי' דר' מאיר הוה גמיר ר' ובאותו דרך דהוה מתני' ר' מאיר לתלמידיו אותה גמרא אחו' ר' וקבעה לאתנויי לכולי עלמא. ור' מאיר אחו' דרך הגמרא שלו מר' עקיבא רבו ור' עקיבא קבלה מרביתו הראשונים . . .

2) Maimonides:<sup>11</sup> וכל מקום שנאמר במשנה באמת אמרו הוא הלכה דמשה מסיני אבל סתם משנה הוא מה שהסכים עליו דעת רבים והשתחו עיונם בו ולא נפלה בו מחלוקת או שקיבלוהו רבים מפי רבים עד משה כפי אשר חלקנו בפתיחת דברינו והמקבל הקרוב שנתחם אליו המאמר הוא ר' מאיר וזהו ענין שאמרו סתם משנה ר' מאיר.

3) Z. Frankel:<sup>12</sup> כבר זכרנו שכוונת המאמר סתם מתני' ר"מ היא ר"מ סידר סתמי כל' הוא הביא המאמרים הנאמרים בסתם לבית המדרש וסידרום בתוך המשנה.

The purpose of citing these three definitions is to show that leading authorities in talmudic research knew, already at an early time, that the *Setam* statement was not the statement of the heads of the schools nor of the scholars from whose schools the written notes or works emanated. They were conscious of the fact that the concept of *Setam* had not lost its original character through its connection with a scholar or with the head of a school.

### III

All this, however, does not entirely solve the problem of the nature of *Setam*, for the concept of *Setam* seems to have undergone a process of change from the time of R. Akiba onward. Of course the quality of anonymity remained unimpaired. But a

<sup>10</sup> Ed. Lewin, p. 26 last section.-27.

<sup>11</sup> Introduction to the Mishna.

<sup>12</sup> דרכי משנה, p. 212.

new factor supervened, imparting to the head of the academy a peculiar decisional significance, even among his own contemporaries.

In explaining this point we shall limit ourselves to the Mishna of *Rabbi*. Our concern is with the conscious formation of *Setam* statements in a later period. In the Mishna itself, there is no mention whatsoever of this conscious formation of *Setam* statements. R. Johanan, however, who as a pupil of *Rabbi*, must have known, from personal experience, something about the compilation of the Mishna has let fall a casual remark touching this matter.

In Hul. 85a there is a notice in the name of R. Johanan that *Rabbi* had arranged the text of two mishnaic statements which dealt with a controversy between R. Meir and R. Simeon in such a way that in one Mishna one author appears as *Hakamim*, while in the other Mishna, the other authority is thus designated. For example, in Hul. V.3 R. Meir's position is identified with that of the *Hakamim*, while in Hul. VI.2 R. Simeon's position is thus identified. אמר רבי חייא בר אבא א"ר יוחנן ראה רבי דבריו של ר"מ באותו ואת בנו ושנאו בלשון חכמים ודרבי שמעון בכסוי הדם ושנאו בלשון חכמים. *Ibid.* 85a ff. discusses this matter and seeks to provide justification for *Rabbi's* procedure. We can assume without a doubt that in his school, *Rabbi* himself explained the grounds upon which he based his decision to change the authorities from designated persons to "*Hakamim*." (We shall see later that *Setam* and *Hakamim* are the same.) While we do not have the explanation of this matter in the individual cases, nevertheless the fact that personal names are displaced, and teachings are given as *Setam* or as belonging to the *Hakamim* so that they might thus acquire a decisive character is of extraordinary significance and gives the anonymity of halakic statements a new meaning. (Similarly Hul. 12a; Tosefta Hul. II, 5.)

Those teachings that come from very early times can be anonymous for other reasons as well. It may be that the author fell into oblivion and was lost in the darkness of the past. The authority of the teachings was, however, justified by their great age and often by the fact that such old traditions were not contradicted. In schools of a later age, a different motive lay behind



the desire for anonymity. The schools often sought anonymity — and did it consciously — in order to signify thereby that the teaching was the recognised law. This formation of anonymous teachings was done deliberately on the pattern of the older genuine anonymous teachings whose authority depended solely upon *tradition*. Such authority was so decisive that no further investigation was deemed necessary. We cite as evidence of this latter statement examples derived from two different periods. One is a remark of R. Simeon, the opponent of R. Meir (Yeb. VIII, 3; 76b); the other comes from R. Joshua, the opponent of R. Akiba (Sifra IV.2). In both cases, the question discussed is whether the scholar mentioned is citing a tradition or giving his own opinion.

a) Yeb. VIII, 3: רבי שמעון מחיר את הנקבות מיד אמר רבי . . . שמעון קל וחומר הדברים ומה . . . אמרו לו (לר' שמעון) אם הלכה נקבל ואם לדין יש חשובה אמר להם לא כי הלכה אני אומר.

R. Simeon communicates a teaching and adds that this teaching is capable of being validated hermeneutically. The scholars answer that if the teaching is a tradition, they will accept it, but if it is merely derived hermeneutically, then it may be refuted. R. Simeon answers that the teaching is not merely a syllogism, but that it is a tradition<sup>13</sup> which he had received. One can readily see that the same person has considerably more authority as a transmitter of a tradition than he has when he offers a hermeneutic demonstration of the same teaching.

b) Sifra to Lev. 4.2: א"ר יהושע שמעתי באוכל מזבח אחד בחמשה תמחויין בהעלם אחד שהוא חייב על כל אחד ואחד משם מעילה ורואה אני שהדברים ק"ו. This statement is also concerned with a tradition which has been transmitted; however, R. Joshua considers the hermeneutic proof so sound that he is ready to use it in the discussion.

We now return to the statement of R. Johanan (p. 139), the purport of which is that every *Setam* statement in the Mishna indicates the opinion of the *Rabbanan* or *Hakamim*.<sup>14</sup> Elucida-

<sup>13</sup> The הלכה is to be translated here as "tradition." See Rashi.

<sup>14</sup> We shall deal with the passage in Sanh. 86a in another place.

tion of this point is essential in order to elucidate the concept of *Setam*. The ascription of the *Setam* teachings to the *Ḥakamim* confirms the idea expressed above that the anonymity of a statement is to be considered neither accidental nor inadvertent, but is basic in the practical evaluation of the anonymous Halakah.

We can affirm that this statement of R. Johanan grew out of the living realities of his time, for the expressions "*Rabbanan*" and "*Ḥakamim*" used to designate the *Setam* statements is common to the Palestinian as well as to the Babylonian schools. Furthermore, the idea expressed in this statement is in keeping with actual historical facts. In the first place, this identification which we have noted supports the supposition that *Rabbi* is not the author of the *Setam* statements. Secondly, it allows for the supposition that the identity of the "Scholars" was not always unknown to *Rabbi*. In many cases the Talmudic discussion succeeded in identifying the *Rabbanan*<sup>15</sup>; in many other cases we know their identity from the corresponding Baraitot. In another place we have demonstrated that *Rabbi* may often have known their names,<sup>16</sup> the *Setam* in these instances, being hardly more than a decisional contrivance whereby *Rabbi* gave expression to the opinions of his school or to his own views conjoined with the opinions of his school. There is evidence<sup>17</sup> that *Rabbi* sought to prepare a code in which the important conflicts of opinion existing in his time were reduced to as small a number as possible; and it is from such a point of view that one must judge the *Setam* formulations of teachings whose authors were known. Because the *Setam* form indicated the authoritative Halakah, it usually brought about the unification of practice.

<sup>15</sup> This talmudic process of identification is often inconclusive. Objectively viewed, it frequently demonstrates nothing more than a possibility.

<sup>16</sup> *Das redaktionelle und sachliche Verhältnis* etc., pp. 181 ff.

<sup>17</sup> Loc. cit. See further my article: "Das Problem der Mischnaredaktion," in the *Festschrift zum 75. Jährigen Bestehen des Breslauer Seminars*; "Rabbi Jehuda Hanassi," in the collection: *Jüdische Gestalten und ihre Zeit*, pp. 77 f.

## IV

We now turn to our proof that the *Setam* is to be identified with the *Rabbanan* or *Ḥakamim*, in the Palestinian as well as in the Babylonian Talmud.<sup>18</sup> The references are arranged in alphabetical order (according to the Hebrew spelling) of the names of those who opposed the *Setam* statements.

*Abba Saul*: Giṭ. V, 4. Ket. 88b identifies the *Setam* of this Mishna with *Rabbanan*. It is noteworthy that in Giṭ. 52b the controversy is decided in the name of Samuel in favor of Abba Saul. Maimonides, Nachal. XI, 5 etc., also renders that decision. From this example, it is evident that the talmudic schools (in this case, the pupils of Rabbi) freely permitted opposition to the *Setam* of the Mishna. We shall deal with this phenomenon more fully later.

*R. Eliezer*: Ma'as. IV, 3. Pal. *ibid.* identifies the *Setam* with the *Rabbanan*. No decision is given in this place, but Maimonides decides according to the *Setam*.

*Same*: Mak. III, 5. In Naz. 40b, *Setam* is identified with *Rabbanan*. Maim. decides according to the *Setam*.

*R. Eliezer b. Jacob*: 'Erub. VI, 1. In Yer. *ibid.* 23b, the position taken by *Setam* occurs in argumentative form as *Rabbanan*; that is, the *Rabbanan* seek to refute R. Eliezer b. Jacob. Some sources, however, give the statement in the name of R. Meir rather than as *Setam*. 'Erub. 62b decides in favor of R. Eliezer b. Jacob in accordance with the established rule.<sup>19</sup>

*Same*: Ned. V, 1; Yer. *ibid.* 39a, l. 40 identifies the *Setam* with *Rabbanan*. Bab. *ibid.* 46a does likewise. However, two Amoras decide according to R. Eliezer b. Jacob.

*R. Eleazer*<sup>20</sup>: Yeb. XII, 2. *Ibid.* 104a identifies the second

<sup>18</sup> This is not obviously self-evident, although it is taken as a fact by specialists. I myself did so in my book *Mischna-Tosephta*, p. 57. We need only consider that the Talmud, in its endeavor to discover the author of an anonymous statement, very often comes to the conclusion that an anonymous Mishnah represents the view of the *Ḥakamim* or *Rabbanan*. This could be taken as an indication that the usual identification of anonymous with *Ḥakamim* is false.

<sup>19</sup> See A. Guttman, *Dezisionsmotive im Talmud*, p. 32.

<sup>20</sup> The readings vary. Yer. has R. Eliezer.

Mishna, Maim. decides according to R. Eliezer and, in the second part, with the *Setam*. He, however, follows the discussion in Babli in making this decision.

R. Judah: Ber. IV, 1. B. *ibid.* 26b identifies the *Setam* with *Rabbanan*. It is worthy of note that 'Eduy. VI, 1 offers evidence that, as a matter of fact, the morning offering was brought at the time indicated by R. Judah. The authority for this statement is R. Judah b. Baba. Decision is thus rendered contrary to the *Setam*.

Same: Dem. I, 1. In Yer. *ibid.* 21c, l. 32, R. Johanan identifies the *Setam* with *Hakamim*. The use of this Hebrew form instead of *Rabbanan* is not frequent. Maim. decides with the *Setam*.

Same: Dem. IV, 7. At the end of the section in Yer., *Setam* is identified with *Rabbanan* and the reason for their opinion is given. Maim. decides with *Setam*. Compare Tosefta *ibid.* V., 5.

Same: Demai VI, 2. In Yer. *ibid.* 25b, l. 28, R. Johanan identifies the *Setam* with *Rabbanan*. Maim. decides according to R. Judah because the Talmud thoroughly discusses his opinion (Sanh. 6a).

Same: Ma'as. I, 7. Yer. *ibid.* 49b, l. 35 identifies the *Setam* with the *Rabbanan*. Support for both positions is derived from R. Johanan. Maim. decides according to the *Setam*.

Same: Bik. I, 1. Yer. *ibid.* 63d reads *Rabbanan* in place of *Setam*. Maim. follows the *Setam*.

Same: Shab. II, 4 and 29b explains the double controversy between the *Setam* and R. Judah. In both cases the *Setam* is given as the opinion of the *Rabbanan*.

Same: Shab. XIX, 3. In Yer. Hag. I 76a, l. 35 the opinion is expressed that both R. Judah and the *Rabbanan* differ in the exegesis of a verse from the Bible. Maim. decides with the *Setam*.

Same: 'Erub. I, 1. Yer. 18b, l. 20 states that the *Rabbanan* (= *Setam*) mentioned here hold the same opinion with regard to the *Sukkah*. Babli *ad loc.* 2a identifies *Setam* with *Hakamim*. Maim. follows the *Setam*.

Same: 'Erub. III, 5 and 36b reads *Rabbanan* in place of *Setam*. Maim. decides according to the *Setam*.

Same: Ket. III, 2. Yer. *ibid.* 28b, l. 38 has *Rabbanan* in place of *Setam*. Compare also Nid. III, 1 and Yer. *ibid.* 50c, l. 1.

*Setam* of the Mishna with the *Rabbanan*. In the first part of the

This concludes the list of references in which R. Judah opposes the *Setam*. From these extensive citations, we can draw the conclusion that not only in the School of Rabbi, but also among the Amoraim of the first generation, anonymous opinions appear as contemporary with known Tannaim and in many instances the name of the author must have been known. This is, for the present, the most interesting matter for us in our investigation of the entire category of controversies between the *Setam* and the *Rabbanan*. The older Amoraim treat as opinions of individuals those instances of *Setam* that involve controversy. They accord famous Tanaim such as R. Eliezer b. Jacob preference not only over the *Setam* but also over an older tradition, as shown in the first example of *Setam* and R. Judah (Ber. IV, 1) and in various other examples.

We now resume the discussion of individual cases in the same manner as above.

R. Johanan b. Beroka: Suk. IV, 6. In this controversy connected with the exegesis of Lev. 23.40, Suk. 45b has *Rabbanan* in place of *Setam*. Maim. decides according to *Setam*.

Same: Yeb. VI, 6. and 65b, the identification of *Setam* with *Rabbanan* is lacking, and there is a difference of opinion between R. Johanan and R. Joshua b. Levi. However at the end of the discussion, the decision inclines in favor of the *Setam*. In all events, Maim. so decides.

R. Johanan b. Nuri: Tebul Yom III, 5. 'Erub. 71b has *Rabbanan* in place of *Setam* and the attempt is made, in principle, to harmonise the passage with 'Erub. VI, 5 where the controversy occurs between *Setam* and R. Simeon. Maim. decides in favor of the *Setam* in both cases.

R. José: R. H. III, 2 and 26a identifies the *Setam* with the *Rabbanan*. In the discussion, the preponderance lies with the *Rabbanan*. Maim. decides with the *Setam*. There is a similar situation discussed in two other places: Orla I, 7 and Ber. 36b. The latter passage characterises the direct controversy between the *Setam* and R. Jose by the words *מי פליגי רבנן עליה*. The third

occurrence is in 'Ar. I, 1 corresponding to *ibid.* 27a. It is to be noted that, in the discussion, *Setam* is designated alternately *Rabbanan* and חנא קמא.

*R. Jose Ha-Gelili*: 'Erub. I, 7 and 15b reads *Rabbanan* instead of *Setam*. The controversy is based on the exegesis of Deut. 24.3. Maim. decides according to the *Setam*. There is a further controversy between the *Setam* and R. Jose Ha-Gelili in 'Ab. Zarah III, 5. Yer. Shab. IX, 11d, l. 22 uses *Rabbanan* in place of *Setam* in the argument. Maim. follows the *Setam*.

*R. Meir*: We often find in our Mishna that the *Setam* and R. Meir oppose one another. This argues against the "literal" interpretation of the basic rule סתם מתניחין ר' מאיר.

*Same*: Kil. VIII, 6 end. In Yer. 31c, l. 70 the *Setam* opinion is quoted as being that of the *Rabbanan*. 'Erub. I, 7 B. 15b. This Mishna is a further example of *Setam* opposed to R. Meir. Kil. VIII, 6 is supported by Tosefta V, 7. Here we find, in the Tosefta text itself, the substitution of *Ḥakamim* for *Setam* immediately after the controversy.

*Same*: B. K. IX, 2 and 96b, the expression *Rabbanan* used in place of *Setam* has a special significance, because of the fact that Rab decided according to R. Meir and was then asked why he permitted R. Meir to override the *Rabbanan* רב שביק ורב שביק רבנן ועבד כר"מ? In the end, he justified his decision by pointing out that two anonymous Baraitot also hold the same opinion as did R. Meir. This indicates that apparently preference was given to an older anonymous tradition and that R. Meir was not speaking as an author, but merely as a transmitter of the older tradition, or at least that he depended upon this older tradition. This occurs frequently, especially in the first generation of Amoraim, who often proposed opinions which were given support by the talmudic schools where authentic proof for the statements was found in Baraitot. The usual formula used in such a case is תניא נמי הכי.

*Same*: B. B. V, 4 and 71a, *Rabbanan* occurs in place of *Setam*. Maim. decided with the *Setam*.

*R. Nechemiah*: Sanh. IX, 1. In Yer. 27a, l. 34 *Rabbanan* is found in place of *Setam*. Maim. decides with the *Ḥakamim*. This expression is not usual in Maim.



R. Akiba: Bek. VIII, 6 and 49a, the *Setam* opinion is voiced by the *Rabbanan*. The decision follows the *Setam*, not because one *must* decide with *Setam* but rather because of the principle that, in discussions concerning cases of death, one must take a lenient position.<sup>21</sup>

R. Simeon (b. Yohai): In the following cases as in the preceding cases the *Setam* of the Mishna is identified with the *Rabbanan* of the Talmud:

Same:

Kil. VII, 8. Yer. 31b, l. 40.	Maim decides with the <i>Setam</i> .				
Ter. V, 8. Yer. 43d, l. 24.	"	"	"	"	"
Bik. II, 2. Yer. 65a, l. 1.	"	"	"	"	"
Ket. IV, 1. Yer. 28b, l. 38.	"	"	"	"	"
Soṭ. III, 2. Yer. <i>ad loc</i> .	"	"	"	"	"

However, the decisions in the two following controversies between R. Simon and *Setam* = *Hakamim* or *Rabbanan* are different:

Nid. V, 1 and 78b the controversy is traced back to differences of exegesis. Maim. gives two decisions. In his *Commentary ad loc.*, he decides according to R. Simeon. In M. T. *Issure Bi'ah* X, 5, he decides according to the *Setam*, following the basic principle that the *Setam* represents the general rule.

The second and more noteworthy example is found in Sanh. IX, 2. The passage, Sanh. 79a-b as often elsewhere, equates the *Setam* of the Mishna with *Rabbanan* and, in the discussion, also places greater stress on the *Setam*, so that Rashi and the Tosafists take the *Setam* as the basis or source of the *Ḳabua'* concept. Maim. however, decides with R. Simeon against the *Setam* in regard to the case at hand, that is, the case of killing the wrong person.<sup>22</sup> Nevertheless, Maim. had, as support for his decision, the statement in Yer. *ad loc.* which, relying upon a tannaitic parallel, agrees with R. Simeon.

*Rabban Simeon b. Gamliel*: Ber. II, 8. The Gemara *ibid.*, has *Hakamim* in place of *Setam* and, in the discussion, inclines

<sup>21</sup> Compare A. Guttman, *loc. cit.*, p. 45.

<sup>22</sup> *Abberatio ictus*. See M. Guttman, *Judentum und Umwelt*, p. 37. Note 2.

toward the acceptance of the *Setam* point of view. Alfasi and Maim. decide according to the *Setam*. This decision contradicts the rule that the decision in the Mishna must always follow R. Simeon b. Gamliel when he is involved in the discussion (Ket. 77a and other places). This rule, however, has exceptions. See especially the commentary of R. Nissim Gerondi to Alfasi, Ket. end. Another controversy between *Setam* and R. Simeon b. Gamliel in Ket. XIII, 11 is, in like manner, decided by R. Nissim Gerondi *ad loc.*, according to the *Setam*. In contradistinction to these two examples there are two other cases where the rule is followed and the decision is given to R. Simeon b. Gamliel against the *Setam*. Pes. IV, 5, Ber. 17b — also Meg. I, 8, b. 9a. In both of these passages, Babli has *Rabbanan* in place of *Setam*. Maim. decides in both cases according to R. Simeon b. Gamliel.

In the older halakic collections or schools, there were precursors to the *Setam* usage in the Mishna of *Rabbi* as defined above. We mean that usage which reflects his personal view as expressed by his editorial activities. We do not know how far back the origin of this practice can be traced. It may possibly extend to R. Akiba; that is, it was Akiba's pupils who sought to arrange the material which has been gathered up according to certain principles. Thus we also discover *Setam* opinions in many Baraitot which are opposed by the special opinion of some individual. We give a few examples:

*Ḥidka* against *Setam*: Shab. 117b.

*Ḥanina b. Antigonus*: Hul. 134b.

*R. Judah*: Yer. Suk. 38c, l. 29; Men. 27b; Šab. 78b.

*R. Nehemiah*: Ber. 38a.

*R. Nathan*: Shab. 94a.

*R. Simeon*: Sanh. 50b.

It is to be noted in general that these anonymous statements occur in both Talmuds as statements of the *Rabbanan*. Consequently the attitude of the Talmudic schools is the same toward the *Setam* statements of the Baraitot as it is toward those of the Mishna.

In conclusion, we may turn briefly to another group of

mishnaic statements which exhibit special characteristics, that is, those in which the *Setam* or *Ḥakamim* appear as opposing either the editor of the Mishna or the *Ḥakamim*.

a) Controversies between *Setam* and *Rabbi*: Sheb. VI, 4; Ma'as V, 5; Naz. I, 4; B. K. V, 4; Men. XIII, 2, 3, 8, 9; Hul. III, 4; 'Ar. IV, 2;<sup>23</sup> *ibid.* IX, 3; Me'il. V, 3.

b) Controversies between *Rabbi* and the *Ḥakamim*: Shab. VI, 5; Ket. II, 4; Mak. II, 1; 'Ab. Zarah IV, 5; Men. VI, 3; *ibid.* VIII, 6; Bek. VII, 6; 'Ar. IX, 8; Tem. IV, 3; VI, 2.

c) Controversies between the *Setam* and the *Ḥakamim*: Giṭ. I, 1; in the Gemara *ad loc.* the *Ḥakamim* of the Mishna are called רבנן בחראי i. e., "the later *Rabbanan*." This points to the fact that the *Setam* was understood as *Rabbanan*, in this case as "the early *Rabbanan*." Further citations: 'Ab. Zarah I, 1. In the Gemara *ad loc.*, we also find the phrase "later *Rabbanan*." The same expression is also used in Soṭ. 18b; Ned. VI, 8. Compare 53a; B. M. V, 7 and 74a.

In some places, the readings vary. See especially Shab. XII, 3. Pes. IV, 6. Naz. IV, 5 and other places. In 'Ab. Zarah II, 6, as is well known, we must understand by *Rabbi* the grandson of *Rabbi*, that is, R. Judah Nesia.

#### CONCLUDING REMARKS

In order to prevent a possible misunderstanding, it must be emphasized that I have not attempted to solve the problem of the anonymous Mishna in its entirety. This paper is merely a contribution toward that end. We have dealt here primarily with those *Setam* statements to which the Mishna presents opposition. It is self-evident that the *Setam* statements of the Mishna which are unopposed also offer problems. Especially should we note that mishnaic statements apparently unopposed are but relatively so; the clarification of which point alone would require a very extensive comparison entailing, before

<sup>23</sup> Concerning the expression רבי אומר אומר אני compare Yer. Ter., 44, Section II.

anything else, a consultation of the Baraitot. My book on the relation between the Mishna and the Tosefta contains an approach to this problem. In this present article, I sought to deal primarily with the concept of *Setam*, and this was done most readily through the *Setam* statements which are controverted in the Mishna. Many subsidiary problems, especially those connected with later decisions, were left unexamined, and must be dealt with in another study.



# JOSEPH KARA'S COMMENTARY ON MICAH IN RELATION TO RASHI'S COMMENTARY<sup>1</sup>

HENRY ENGLANDER

**K** WAS a prolific commentator on a number of Biblical books.<sup>2</sup> On the whole he shows himself to be a good commentator.

Strangely, however, K follows R almost verbatim in his commentary on Micah. We are inclined to believe that this commentary was his first attempt. In his other commentaries, K has an independent approach to the text.

We here set side by side the comments on Micah as given in the R and K texts. In most instances K follows R verbatim and at times the Kara text is very slightly different from the R text. The Biblical text on which the comment is made is put in brackets.

	R	K
1.2:	וְיִהְיֶה בָכֶם לְעֵד שְׁנִיבֹאֲתִי לָכֶם	שְׁנִיבֹאֲתִי לָכֶם
1.3:	וְדֹרֶךְ עַל בְּמַתִּי אֶרֶץ עַל הָרִמִּים וְגַם הָרוּחַ	עַל הָרִמִּים וְעַל גַּם הָרוּחַ
1.8:	[וְאַלְכָה שׁוֹלֵל] מִשְׁתַּנֵּעַ כְּשׁוֹטָה בְּתִמְהוֹן כְּמוֹ אֲשֶׁתּוֹלֵל אֲבִירִי לֵב,	מִשְׁתַּנֵּעַ כְּשׁוֹטָה בְּתִמְהוֹן לֵב וְכְמוֹ אֲשֶׁתּוֹלֵל אֲבִירִי לֵב

<sup>1</sup> Rashi will be referred to by the letter R and Joseph Kara will be referred to by the letter K.

<sup>2</sup> See *Rabbi Joseph Kara und sein Commentar on Kohelet*, Dr. Berthold Einstein, Berlin, 1886. K's text on Micah is found in the *Festschrift* in honor of Abraham Berliner.



## R

וסר מרע משתולל והת'ו היא  
באה לשמש בתיבה בלשון  
מתפעל ונתפעל נכנסת תוך  
התיבה ש"ן או סמ"ך כשבא  
עליה תי"ו בלשון מתפעל  
ונתפעל נכנסת תוך  
התיבה כמו משתולל

1.9: [אנושה מכותיה]  
כי חולה היא במכותיה

1.11: [ועברי לכם]  
התחיל בלשון יחידות נקבה  
כמדבר אל כניסת העיר כמו  
שנאמר יושבת שפיר כולם  
בשם כנסיה אחת ואמר "לכם"  
כמדבר אל הרבים

1.15: [ועד היורש אביא לך]  
אויבים שיורישו אותך את  
היושבת במרשה

ibid: [ועד עדולם]  
שהוא לפני מן הגבול  
יסוג אחור ויבא כבוד ישראל

2.4: [שדוד נשדנו]  
אויביו שדדונו ולשון  
נשדנו שכתב בו נ"ן  
בתחילה ולא כתב שדונו  
מפני שבא לשמש שני לשונות  
לשון נפעלנו ולשון פעלנו,  
אלו כתב נשדנו היה הלשון  
מוסב על הנשדדים ולא אל  
השודדים ואם כתב שדונו היה  
מוסב אל השודדים ולא  
לנשדדים

## K

לב בסר מרע משתולל ותי"ו  
היא באה לשמש בתיבה בלשון  
מתפעל ונתפעל נכנסת תוך  
התיבה ש"ן או סמ"ך כשבא  
עליה תי"ו בלשון מתפעל  
ונתפעל נכנסת תוך התיבה

כי חולה היא במכותיה

התחיל לדבר בלשון יחידות נקיבה  
לפי שמדבר אל כניסית העיר כמו  
שנאמר יושבת שפיר כולם  
כניסיה אחת וכשאר  
"לכם" נעשה כמדבר אל הרבים

אויבים שיורשו אותך את  
היושבת במרשה

שהיא לפני מן הגבול  
יסוג אחור ויבא כבוד ישראל

שדוד נשדונו פתרון  
שדדונו ולשון נשדונו שכתב  
בו נ"ן בתחילה ולא כתב שדונו  
לפי שתיבת נשדונו באה לשמש  
שתי לשונות, לשון נפעלנו ולשון  
פעלנו, אלו אמר נשדדונו היה  
הלשון מוסב אל השודדים  
ולא אל הנשדדים

R

K

- 2.6: [ואל תטיפו]  
אל תנבאו לא תנבאו
- 2.6: [לא יסג כלמות]  
פן ישיגון אתכם כלמות שלא ישיגו אתכם כלמות
- 3.2: [נחלי עורם]  
של בית ישראל מעליהם נחל עורם של ישראל
- 3.3: [ואת עצמותיכם קצחו]  
פצחו להוציא המוח גם העצמות פצחו להוציא מהם מוח
- 3.3: [ונקדשו כאשר בסיר]  
ומשברים כאשר ישרו האברים הנתנים בסיר לבשל, ופרשו לשון שבירה כמו פרוש לרעב
- 4.8: [ואתה מגדל עדר]  
ת"י ואת משיחה דישראל דטמיר מן קדם חוביא כנישתא דציון פירש מגדל לשון מעין ותירגם עדר כנסת ישראל ותירגם עופל לשון אופל ויש לפרש מגדל עדר בית המקדש ועופל לשון מגדל עז, וכן ועופל ובחן
- 4.8: [ועדיך תאתה]  
שארית הצלעה והנהלאה כולם יקבצו אליך
- 4.8: [ובאה הממשלה הראשונה]  
תבא הממשלה שלימה כולה אל בית דוד בירושלים כאשר

## R

## K

היתה בתחילה עד שלא נחלקה  
ומה היא הממשלה הראשונה  
הממלכה לבת ירושלים

היתה בתחילה עד שלא  
נחלקה ומה היא הממשלה  
הראשונה זו היא ממלכת לבת  
ירושלים

4.10: [ונחמי]

כרעי ושחי על גחונך  
וכן בלשון משנה כותל הגוהה  
לרשות הרבים

כרעי ושחי על גחונך וכן  
בלשון משנה כותל הגוהה  
לרשות הרבים

5.1: [ואתה בית לחם אפרתה]  
שיצא דוד משם שנאמר בן  
עבדך ישי בית הלחמי ובית  
לחם קרויה אפרת שנאמר  
בדרך אפרת ...

שיצא דוד משם שנאמר בית  
עבדך ישי בית הלחמי ובית  
לחם קרויה אפרת שנאמר  
בדרך אפרת ...

5.1: [צעיר להיות באלפי יהודה]  
ראוי היית להיות צעיר  
במשפחות יהודה מפני  
פסולת רות

ראוי היית להיות צעיר  
במשפחות יהודה מפני רות  
המואביה

5.1: [ומך לי יצא]  
משיח בן דוד וכן הוא  
אומר אבן מאסו הבנים

משיח בן דוד וכן הוא  
אומר אבן מאסו הבונים

5.1: [ומוצאתיו מקדם]  
לפני שמש ינון שמו

לפני שמש ינון שמו

5.2: [לכן יתנם עד עת יולדה]  
יתנם ביד אויביהם עד  
בא העת אשר חלה וילדה  
ציון את בניה

יתנם הק' ביד אויביהם עד  
בא העת אשר חלה וילדה  
ציון את בניה

5.9: [והכרתי סוסיך]  
היא עזרת מצרים שאתם  
נשענים עליהם להמציאכם  
סוסים

היא עזרת מצרים שאתם  
נשענים עליהם להמציאכם  
סוסים

## R

## K

5.13: [והשמדתי עריך]  
תרגם יונתן ואישיצי בעלי  
דבבך, ופירוש עריך זה  
שונאיך כמו ויהי עריך

תרגם יונתן ואישיצי בעלי  
דבבך ופירוש עריך זה  
שונאיך כמו ויהי עריך

5.13: [והחליתי הכותך]  
האנשתי מכותיך חזקות  
וחולות ואנושות

האנשתי מכותיך חזקות  
וחולות ואנושות

6.13: [והשמם]  
להשמיך על חטאותיך

להשמיך על חטאותיך

6.14: [וישחך בקרבך]  
המאכל שתאכל אכנים  
בו מארה בתוך המעים  
ויגרום לך חולי שתהא חולה  
והולך שחוח וכן מפרש אותו  
בספרי מניין אף בתוך  
המעים ת"ל וישחך בקרבך ...  
אף יונתן תרגם כן ויהי לך  
למרע מחא במערך

אוכל שתאכל אכנים בו  
מאירה בתוך המעים ויגרום  
לך חולי שתהיה חולה והולך  
שחוח וכן מפרש  
בספרי מניין אף בבני מעים  
ת"ל וישחך בקרבך וכן תרגם  
יונתן ויהי לך למרע ומחא  
במיעך

7.1: [וכאסף קיץ]  
נקוד חטך קמץ שאינו  
לשון פועל כמו יושב, אומר  
אלא לשון מפעל כמו אסף  
החסיל כאסיפת קיץ

נקוד חטך קמץ שאינו  
לשון פועל כמו יושב, אומר  
אלא לשון מפעל הוא כמו אסף  
החסיל.

7.4: [טובם כחדק]  
טבא דאית בהון קשה למיפק  
מן ידיה כיד מן חדקא קשה  
לצאת מידו כמו הקוצים הנסבכין  
בצמר

תרגום טבא דאית בהון קושי  
למפק מן ידיה כיד מן חדקא  
פת' קשה לצאת מידו כמו  
קוצים הנסבכים בצמר

7.4: [יום מצפך]  
יום שאתם מצפים בו לטובה  
חבא פקודתם

יום שאתם מצפים בו  
חבא פקודתם

## R

## K

7.12:           [יום הוא ועדיך יבוא]  
הנביא אומר אותו היום שאתם  
מלעגים עליו לאמר בטל והלך  
לו יום ההוא שמור ונצור ולא בטל  
עדיך יבוא האויב להחריבך

הנביא אומר אותו היום שאתם  
מלעגים עליו לאמר בטל והלך  
אותו היום שמור ונצור ולא בטל  
ועדיך האויב יבא להחריבך

7.12:           [למני אשור]  
אשר הוא ראש למרענו

אשר היה למריעניו

7.12:           [וערי מצור]  
כלומר ועד ערי מצור

כלומר ועד ערי מצור

7.12:           [ויום מים]  
והיושבים על ים האחרון  
אשר הוא במערב

והיושב על הים האחרון  
אשר הוא במערב

7.12:           [והר ההר]  
כמו ויושבי ההר

כלומר ויושב ההר

Completed

## THE GRADATIONS OF BENEVOLENCE

ABRAHAM CRONBACH, Hebrew Union College, Cincinnati

IN connection with the eighth centenary of Maimonides observed in 1935, newspapers as well as lecturers made occasional reference to the eight degrees of benevolence formulated by Maimonides in his *Matnot 'Aniyim* (X, 7-14). Maimonides was neither the first nor the last to attempt such a gradation. The Talmud implies something like a gradation of benevolence in such a passage as: "Lending is greater than almsgiving, but the granting of a business partnership is greatest of all" (Sab. 63a). Abot de R. Nathan 41 contains the passage: "Upon him who gives alms shall come a blessing. But greater than he is the lender, and highest of all is he who shares half of the profit."<sup>1</sup> A gradation with only two items<sup>2</sup> may perhaps be recognized in

<sup>1</sup> Schechter (p. 66) offers three different recensions of this passage: (a) למחצה ולמותר. (b) ממחצה למותר. (c) למחצית שכר. The third of these recensions links the passage with Tos. B. M. IV, 12: המושיב את חברו למחצית שכר. This comports with the interpretation of the *Binyan Yehošua'* on Ab. R. Nath. 41, which cites Sab. 63a and its reference to a business partnership. Similar is the comment of Ben Abraham on Ab. R. Nath. 41 (Wilna and Grodna 1833). Divergent is the interpretation of Elijah ben Abraham Hakohen in the *Me'il Zedakah* #1701, where the phrase למחצה ולמותר is taken to specify what proportion of the profit yielded by any transaction should be allocated to charity. See *HUCA*, XII-XIII (1937-8), 683. This latter interpretation is obviously incorrect.

<sup>2</sup> Preferentials are common in Jewish writings on benevolence. See *HUCA* XIV (1939), 484-496; Aboab, *Menorat Hama'or*, Mantua, 1563, p. 67d; *Sefer Hasidim* #1676, Wistinetzki ed., Berlin 1891. Preferentials both as to types of benevolence and as to recipients (most of which matter is culled, of course, from prior sources) appear in the *Sulḥan 'Aruk*, *Yoreh De'ah*, 249, 15, 16; 251, 3, 7, 8, 9, 14; 252, 1, 2, 9, 10; 259, 2. While we have here specimens of the preferences out of which our various scales of benevolence are constructed, we do not at any point — not even at *Yoreh De'ah* 249, 16; 251, 9; or 252, 9, 10 where three or more factors are compared — have a deliberately articulated arrangement of degrees such as that first presented by Maimonides. The same applies to the "four dispositions as to alms-giving" in Abot V, 16.



B. B. 9a: "The persuader (in matters of charity) is greater than the giver." Something in the nature of a gradation is implied in Ket. 67b with its reference to the wife of Mar 'Ukba, and in Ta'an. 23b with its reference to the wife of Abba Hilkiyah. The wife of Mar 'Ukba proves to be her husband's superior as regards immunity to intense heat, and the wife of Abba Hilkiyah her husband's superior as a suppliant for rain. The reason is that, while the husbands aid the needy by dispensing coins, the wives at home give aid in the form of food and thus subject the needy to less delay and inconvenience. Vaguely intimated is a gradation in B. B. 8b: "Ransoming of captives is the benevolence paramount." An actual series of degrees is then traced in Jer. 15.2, "death, sword, famine, captivity." While the degrees enumerated are not degrees of benevolence but degrees of calamity, the implication nonetheless obtains that the greater the calamity relieved, the higher the rank of the beneficent act. All of this is prior to Maimonides.

### I. THE SEVERAL SCALES COMPARED

Subsequent to Maimonides are the Seven Degrees enumerated by Moses of Coucy in the *Sefer Mizvot Gadol* (Semag, 1250) and two groupings, one of Five Degrees and one of Nine Degrees offered in the *Menorat Hama'or* of Israel ibn Al-Nakawa who died in 1391.<sup>3</sup>

#### MAIMONIDES

Maimonides (*Matnot 'Aniyim* X, 7-14) arranges his Eight Degrees in a descending order:

1. A gift, a loan, a business partnership, a job rendering alms unnecessary.
2. Benevolence in which giver and recipient are unknown to one another.
3. Benevolence in which the giver is unknown to the recipient.

<sup>3</sup> The Eight Degrees in the *Tur*, 249 and in the *Sulḥan 'Aruk*, *Yoreh De'ah* 249, 6-12, repeat Maimonides almost verbatim.

4. Benevolence in which the recipient is unknown to the giver.<sup>4</sup>
5. Giving before one is asked to give.
6. Giving after one is asked to give.
7. Giving inadequately but graciously.
8. Bestowal of alms grudgingly.<sup>5</sup>

#### MOSES OF COUCY (SEMAG)

The Seven Degrees of Moses of Coucy appear in the *Sefer Miẓvot Gadol*, ('Aseh 162). Unlike those of Maimonides, these several stages are arranged not in a descending order but in an ascending order:

1. Giving with a grudge.
2. Giving graciously.
3. Giving graciously and adequately.
4. Giving graciously and adequately without waiting for the needy person to ask.
5. Giving in such wise that the recipient is unknown to the giver.
6. Giving in such wise that the giver is unknown to the recipient.
7. Giving in such wise that neither is known to the other.

#### AL-NAKAWA'S FIVE DEGREES

The Al-Nakawa series of FIVE Degrees appears likewise in an ascending order (*Menorat Ha-Ma'or*, Ša'ar VIII, Enelow Edition, pp. 82-84):

1. Giving or pledging publicly and ostentatiously and, in certain instances, failing to pay the pledged sum.
2. Giving or pledging in public not only with ostentatious intent but also with devout intent (*Lešem Šamayim*).

<sup>4</sup> David ben Zimra explains that the Maimonidean third type is higher than the fourth because the fourth is illustrated by the story of R. Abba (Ket. 67b) who, by flinging his gift tied in a scarf behind him, subjected the recipient to the awkwardness of having to untie the scarf. Similarly *Beṭ Josef* to *Ṭur* 249.

<sup>5</sup> The *Sifse Kohen* to *Sulḥan 'Aruk*, *Yoreh De'ah* 249, comments that the grudge must be one that is unexpressed. An openly displayed surliness puts the act, in accordance with the use of Deut. 15.7b in *Matnot 'Aniyim* VII, 2., completely outside of the category of *Ẓedaḳah*.

3. Giving with devout intent and, in such wise, that none but giver and recipient know of the transaction.
4. Giving in such wise that giver and recipient are unknown to one another.
5. Aiding the poor person by means of a business partnership or a loan.

#### AL-NAKAWA'S NINE DEGREES<sup>6</sup>

The Al-Nakawa series of NINE Degrees appears in the *Menorat Ha-Ma'or*, Ša'ar VII (Enelow Edition, pp. 77–81):

1. A trivial gift to the beggar who goes from house to house.
2. Communal shelter for transients.
3. The dowering of indigent brides.
4. Equipping indigent grooms with household appurtenances and with clothes.
5. Assisting, in a suitable manner, a poor person of worthy lineage.
6. Assisting, in accordance with prior standards of living, a poor person who has seen better days.
7. Assistance, in the guise of a loan, for a poor person who is sensitive about accepting alms.
8. Dignified assistance to a necessitous scholar by means of business loans or patronage.
9. Assistance adapted to the recipient's individual needs.

Let us notice to what extent items appearing in one set of degrees reappear in the others. These recurrences are indicated

<sup>6</sup> Al-Nakawa claims (Enelow ed. p. 83, line 17) that his five-fold arrangement refers to benevolences performed by individuals while his nine-fold arrangement embraces benevolences organized by the community. Yet this characterization can hardly be regarded as valid. The five-fold arrangement contains references to pledging in public (item 1), to the communal fund and its administrator (item 4), and to the "secret box" and its treasurer (item 4); while the nine-fold arrangement instances benevolences performed in private, such as the meager gifts prescribed for house-to-house beggars (item 1), the extraordinary attentions of Hillel to an indigent of worthy lineage (item 5), and the experiences of R. Nehemiah, or R. Nehemiah of Siḥin and of Raba with mendicants of fastidious tastes (item 6).

in the following table, where the parenthetical numbers of the Maimonides column represent the translation of the Maimonidean descending order into the ascending order of the other gradations.

<i>Maimonides</i>	<i>Semag</i>	<i>Al-Nakawa's FIVE</i>	<i>Al-Nakawa's NINE</i>
1 (8)		5	8
2 (7)	7	4	
3 (6)	6		
4 (5)	5		
5 (4)	4		
6 (3)	3		
7 (2)	2		
8 (1)	1		

Without duplication are the first three items of Al-Nakawa's FIVE and the first seven as well as the ninth of Al-Nakawa's NINE. Excluding the Maimonidean highest degree, Semag follows Maimonides at every step.<sup>7</sup> The Maimonidean highest degree and his next to highest degree are the only ones appearing thrice. None appears in all four lists.

## II. THE NON-BIBLICAL SOURCES

Although our several authors purport to be only compilers of material already extant,<sup>8</sup> it is not impossible to discern, in these gradations, some elements of originality. By segregating the non-

<sup>7</sup> The third step of *Semag* is no exception despite the verbal divergence of *Semag's* שיתן לו אחר שישאל and Maimonides' שיתן לו אחר שישאל: (a) the word כראוי used by *Semag* is not used by Maimonides. Yet the word כראוי does appear in *Yoreh De'ah* 249, 11, in a passage which otherwise quotes Maimonides verbatim. *Yoreh De'ah* reads שיתן לו אחר שישאל. (b) Maimonides also lacks the phrase: בסכר פנים יפוח. But the phrase is implied. The phrase appears in Maimonides' very next item, item 7, and is apparently intended also for item 6, inasmuch as the grudging benevolence of item 8 contrasts with item 6 as well as with item 7. (c) While Moses of Coucy does not say שיתן לו אחר שישאל in his item 3, the item before us, he does, in his very next item, read: שיתן לו אחר שישאל. שנותן ליד העני כראוי קודם שישאל. Is it far fetched to assume that שיתן לו אחר שישאל in *Semag's* item 4 presupposes, for its item 3, שיתן לו אחר שישאל?

<sup>8</sup> In his introduction to his *Sefer Hamizvot*, Maimonides states: "My purpose was that the *Mišneh Torah* should contain, in succinct form, every-

original components, we may be able to determine the extent of each author's original contribution. We limit ourselves to post-biblical citations. The persistently homiletic treatment of biblical citations nullifies whatever value the Bible might possess as a source.

*Maim.* 1. No source is mentioned or quoted. It is the commentators who recognize the dependence on Sab. 63a, "Lending is greater than almsgiving, but the granting of a business partnership is greatest of all;" and on Pes. 53b, "Whoso makes business funds available (*mattil bakkis*) to a scholar merits abode in the academy on high;" and on the passage from *Abot de R. Nathan* 41 quoted<sup>9</sup> supra p. 163. One of the commentators, David ben Zimra, surmises also some dependence on *Sifra Behar*, Par. 5 interpreting *Ki yamuk* (Lev. 25.35), "One person can unload a beast before he falls; five can not lift him after he falls."

*Maim.* 2. No source is mentioned, but "the Chamber of Secrecy" is derived from Shek V, 6; "the *Kuppah*" from B. B. 8b or from Pe'ah VIII, 7; "the giver unknown to the recipient and the recipient unknown to the giver" from B. B. 10b, line 2; and "the administrator of the fund conscientious as Ḥanina ben Teradyon"<sup>10</sup> from B. B. 10b, line 10.

*Maim.* 3. No source is mentioned or quoted. The reference to the poor person who knows not the identity of his benefactor comes from B. B. 10b, line 3. The reference to the sages who

thing in the Mishna, Talmud, Sifra, Sifri, and Tosefta, as well as everything that the later Gaonim have commented upon and explained with regard to what is forbidden or permitted, unclean or clean."

<sup>9</sup> Commenting on Ab. R. Nath, 41, *Binyan Yehošua'* refers to the Maimonidean highest degree, as well as to the above mentioned passage from Sab. 63a. *Binyan Yehošua'* construes the מוחר ומור of Ab. R. Nath. 41 to mean that the necessitous person receives half of the profit resulting from the joint venture plus a little extra as a wage for his work in order to cleanse the benefactor's share of every vestige of an interest charge. According to this, the Maimonidean מלאכה would originate here as well as the Maimonidean שותפות. See also Elijah Hakohen, *Welo 'Od 'Ela* (Zitomir 1853), p. 46a, discussing Ab. R. Nath. 41 and Rabenu Asher on Ab. R. Nath. 41, *Harosh* (Zitomir 1864-1865).

<sup>10</sup> In connection with Ḥanina b. Teradyon (Ab. Zar, 17b, 18a), B. B. 10b uses not the word *Kuppah* but the word *'Arnikay*.

placed coins at the doors of poor people is based upon the story of Mar 'Uḳba in Ket. 67b; but B. B. 10b, line 3, furnishes Maimonides with the precedent for invoking the story of Mar 'Uḳba. The allusion to untrustworthy administrators is apparently derived from B. B. 10b, lines 8-10, like the allusion to Ḥanina ben Teradyon in the preceding rung of the Maimonidean scale.

*Maim.* 4. While, here again, sources are not mentioned, Maimonides follows B. B. 10b, line 4, in lauding the giver who conceals from himself the identity of the recipient and in citing the case of R. Abba (Ket. 67b, line 48) as an illustration. The language which Maimonides uses duplicates to some extent, that of Ket. 67b, line 48.

*Maim.* 5, 6, 7, 8. It has not been possible to trace these statements to any sources earlier than Maimonides.<sup>11</sup>

*Semag* 1, 2, 3, 4. merely duplicate *Maim.* 8, 7, 6, 5.

*Semag* 5. Mentioning Ketubot, *Semag* uses language from Ket. 67b, line 48 about R. Abba who cast his gifts tied in a scarf behind him.

*Semag* 6. Ketubot is not mentioned but the words used are derived from the story of Mar 'Uḳba and the door socket in Ket. 67b, line 27.

*Semag* 7. Baba Batra is mentioned and the language of B. B. 8ab is employed regarding the sudden death averted by the charity in which giver and recipient are unknown to one

<sup>11</sup> We must refer once more to the statement in the introduction to Maimonides' *Sefer Hamizwot* (*supra*, note 8), where Maimonides confesses his reliance upon "Mishna, Talmud, Sifra, Sifre, Tosefta" as well as upon "the later Gaonim," although Bernard Ziemlich speaks of "der ganzen talmudischen und nachtalmudischen Halacha literatur" ("Plan und Anlage des Mischne Thora" in *Moses ben Maimon*, Gesellsch. z. Forderung d. Wissenschaft d. Judenthums, Vol. I, p. 250, Leipzig, 1908). The margins to our texts of the *Mišne Torah* provide the references to "Mishna, Talmud, Sifra, Sifre, Tosefta," while Maimonides himself credits the Gaonim with whatsoever he appropriates from that source. See Adolf Schwarz, "Das Verhaeltniss Maimunis zu den Gaonen" in *Moses ben Maimon* I, 332-410. May we not safely assume originality on the part of Maimonides where the contrary is not indicated in the text or in the margin? See also *infra* note 21.



another. The author also mentions Tos. Shekalim and quotes Tos. Shek II, 16 regarding the "Chambers of Secrecy" in various cities resembling that in the Temple at Jerusalem.

*Al-Nakawa's* FIVE 1. Ta'anit Chap. I is mentioned and Ta'an. 8b quoted verbatim: "Rains are withheld because of those who pledge and fail to pay."

*Al-Nakawa's* FIVE 2. While no source is mentioned or quoted, the doctrine presented finds expression at a number of prior points. Encomiums on charity devoid of ulterior motives appear in Lev. Rab. 34, 12, B. B. 10a, Yer. San.<sup>12</sup> and elsewhere. The very words, למעבר מצותיה לשמה occur in the narrative (Lev. Rab. 34, 12) telling how Simeon b. Yoḥai once inveigled his nephews into a service of uncalculating benevolence. The identical story, with Johanan b. Zakkai as the hero appears in B. B. 10a.

*Al-Nakawa's* FIVE 3. No source mentioned or quoted but reference to B. B. 10b, line 1 — giver and recipient unknown to one another — seems to be implied.

*Al-Nakawa's* FIVE 4. Without mentioning the source, the author uses the word *Kuppah* from B. B. 8b or Pe'ah VIII, 7, although the context is that of the 'Arnekay in B. B. 10b, line 9. The *parnas* in this passage of Al-Nakawa evidently harks back to the *memunneh* of B. B. 10b, line 9. Ketubot Chap. VI is mentioned and the story of R. Abba and the scarf (Ket. 67b, line 48) is quoted verbatim.<sup>13</sup> The statement that, in the Temple, there stood an orificed box into which the benevolent would secretly cast their alms and from which a treasurer would make allocations to the poor, suggests remotely the "Chamber of Secrecy" in Shek. V, 6. The language of the subsequent statement, that giver and recipient were unknown to one another, is largely that of B. B. 10b, line 1.

<sup>12</sup> Discussing Prov. 11.21, bottom of p. 35b in the Zitomir edition, 1865, "Whoso doth charity and expects immediate reward is like the purchaser who says: 'Here's the sack, here's the coin, here's the measure — quick, the grain!' See my *Religion and its Social Setting*, p. 105 and *HUCA* XII-XIII (1937-8), 670 ff.

<sup>13</sup> Our author calls him Raba.

*Al-Nakawa's* FIVE 5. Without mentioning Sanhedrin or Yebamot, the author quotes from San. 76b (Yeb. 63a) a portion of the phrase about the merits of one who lends to the poor in time of stress. The thought and, to some extent, the language here repeat that of the Maimonidean rank one. Sabbath Chap. VI is mentioned and the passage from Sab. 63a (lending better than giving, business association better than lending) is quoted verbatim. The Midrash to Psalms<sup>14</sup> is mentioned and a midrashic comment on Psalm 112.9 is quoted to the effect that one of the excellences of lending resides in the consideration that, when a loan is repaid, the money can be used over again as a loan to some other poor person.

*Al-Nakawa's* NINE 1. Baba Batra is not mentioned but B. B. 9a is quoted verbatim: "To a poor person begging from door to door, we are obligated to grant not a large gift but a small one."

*Al-Nakawa's* NINE 2. The author mentions Baba Batra, but the subsequent quotation contains language from Pe'ah VIII, 7 and from Tur 250 rather than that of Baba Batra. From Pe'ah VIII, 7 comes the statement that a needy transient be granted a loaf of a specific size. The specification of the size avoids the

<sup>14</sup> The reference to the Midrash on Ps. 112.9b is probably incorrect; our Midrash to Psalms offers no comment on Ps. 112.9. In Enelow's edition, p. 84, the paragraph containing the fifth stage concludes with matter which we must discard as irrelevant. The lending of money suggests, on the basis of Ket. 50a (near bottom) the person who lends books which he has himself copied or purchased, although Ket. 50a speaks only of copying and only of one group of books, namely, the Bible. The exaction of a pledge which Al-Nakawa mentions here was apparently suggested by Ket. 67b, line 33, although the purpose of the pledge in Ket. 67b is that of mitigating the humiliation of the borrower, while the purpose in Al-Nakawa is that of allaying the anxiety of the lender. The scruple lest uncompensated work performed by the borrower for the lender might constitute the payment of interest rests upon the unmentioned B. B. V, 10 (cf. *supra* note 9, quoting *Binyan Jehošua'* to Ab. R. Nath. 41). Utterly irrelevant is the mention of Maimonides and the quotation from Maimonides commentary to Abot III, 19, that distributing a given sum to several needy persons is more meritorious than assigning all of it to one needy person. See *HUCA* XIV (1939), 487. Ps. 112.9b may, by way of homily, have suggested the thought.

involved language of Peah VIII, 7 and uses the simpler "twenty ounces" from *Tur* 250. Peah VIII, 7 also yields the author's reference to the meals that accompany lodging for the night and to the three meals for the Sabbath. The fact that some of these words are quoted in B. B. 9a is obviously our author's reason for mentioning Baba Batra. The author then approximately quotes Tos. Peah IV, 8 with reference to the pillow for sleeping and to the oil and beans for the Sabbath repast. However, he mentions as his source not Tos. Peah but Maimonides who quotes Tos. Peah IV, 8 in *Matnot 'Aniyim* VII, 8.

*Al-Nakawa's* NINE 3. Without mentioning Ketubot the author quotes Ket. VI, 5: "An indigent orphaned girl who becomes a bride is supplied with a dowry of fifty silver *zuz*. If funds suffice, she is dowered in accordance with the honor due her."

*Al-Nakawa's* NINE 4. The author mentions Ketubot Chap. VI and quotes from Ket. 67b, line 3: "If an orphan marries, there first occurs the renting of a domicile for him and the providing of equipment for his household."

*Al-Nakawa's* NINE 5. This stage entails, without mentioning Ketubot, a quotation from Ket. 67b, line 8: "Thou shalt grant not riches but merely sustenance," although the text in Ket. 67b does not, like *Al-Nakawa*, limit the application of the remark to poor persons of exalted lineage. Our author then mentions Ketubot Chap. VI and quotes Ket. 67b, line 9, about the needy person of worthy lineage who must, under certain circumstances, be supplied with a horse and a runner, and about Hillel, the Elder, who in the course of fulfilling this requirement, once found himself unable to procure a runner and himself acted as runner, functioning thus before the needy person for a distance of three miles.<sup>15</sup> Continuing, our author quotes Ket. 67b, line 14, about the indigent person in Sepphoris who was supplied daily with a *litra* of high-priced meat. Our author finally mentions Sifre and quotes Sifre to Deut. §118 together with a fragment from *Semag* 162: "Where it is fitting that bread be given, let

<sup>15</sup> The story occurs likewise in Tos. Peah IV, 10 and in Sifre to Deut. § 116 (ed. Friedman, p. 98b).

bread be given. Similarly let dough be given or coins or warm food or cold food, as the occasion demands."<sup>16</sup>

*Al-Nakawa's* NINE 6. The author mentions Ketubot Chap. VI and quotes, with some variants, the story in Ket. 67b, line 19, about the mendicant who died of revulsion when R. Nehemiah served him some beans, although beans were all that the mendicant had asked. There is also mention of Palestinian Peah and a quotation, with some variants, of the story in the *gemara* to Yer. Peah VIII, 8, which tells of the mendicant who, approaching R. Nehemiah of Šiḥin, asked that some poultry be given him to eat and then died of revulsion when supplied with money and told to purchase meat that was less luxurious. Without mentioning Ketubot, our author then quotes, with slight variations, the story from Ket. 67b, line 23, reciting how a mendicant had once asked Rabba for some fatted hen and aged wine; how, to the suggestion that such demands imposed an unfair burden upon the community, the mendicant, quoting Ps. 145.15, replied that what he desired was not of the community's giving but of God's giving; and how, as if in Divine support of the mendicant's claim, it transpired that, just at that moment, Rabba was visited by his sister whom he had not seen in many years, the sister bringing as a gift, some fatted hen and aged wine, which Rabba promptly bestowed upon his mendicant caller.

*Al-Nakawa's* NINE 7. This stage does not mention Ketubot but drawing variously from lines, 30, 29, and 35 of Ket. 67b, quotes, with certain abridgements and alterations, the passage to the effect that, according to Deut. 15.8, a destitute person who declines aid should be granted what purports to be a loan, this supposed loan to be afterward treated as a gift. If the necessitous person continues hesitant, he should, to shield his sensibilities, be asked to furnish a pledge, that the pretended loan might appear to be really a loan.

*Al-Nakawa's* NINE 8. While Ketubot is neither mentioned nor quoted, it is possible to recognize an allusion to the passage

<sup>16</sup> Ed. Friedman, 98b. The reference to warm food or cold food comes from *Semag* § 162. See also Tos. Pe'ah IV, 10 and Aboab, *Menorat Hama'or*, 7-7-8, Mantua 1563, p. 68a.

in Ket. 111b about the merit of aiding a scholar by enabling him to engage in business. Quoted is the passage in Pes. 53b about "throwing into the purse" of a scholar some of the profits of merchandizing. The source, however, is not named. Generosity to scholars is also commended in a Midrash to Prov. 3.9. Our author purports to quote the wording of the passage and to mention the source, but it has not been possible to locate the passage in any of the previous literature.<sup>17</sup> The same applies to a quotation of similar import, a Midrash on Prov. 3.18, which our author claims to have derived from Sifre.<sup>18</sup>

*Al-Nakawa's* NINE 9. Without mentioning the source, our author quotes from Lev. Rab. 34, 6, seven of the eight biblical words for "poor," *helek* being the word omitted. The author elaborates at length on each of these words. Excepting for some remote suggestion of Sifra, *Behar*, Par. 5 on the importance of prevention, when he discusses the word *tekak*, the author follows no ascertainable text,<sup>19</sup> but seems to be original. In his summarization at the end of the paragraph, he quotes, without mentioning the source or the Talmudic teacher, Rabbi Jose's words in Sab. 118b: "Let my portion be with those who solicit funds and not with those who apportion funds."<sup>20</sup>

The table on pp. 176, 177 is designed to display, at a glance, the incidence of each post-biblical citation and its measure of precision.

<sup>17</sup> Enelow, *op. cit.*, p. 79, note to line 23.

<sup>18</sup> Enelow, *op. cit.*, p. 80, note to line 4.

<sup>19</sup> Enelow, *op. cit.*, p. 80, note to line 8. A listing of seven (or eight) synonyms for "poor" occurs at various places besides Lev. Rab. 34, 6, for instance: Midrash to Prov. 22.29 ed. Buber p. 93; Ab. R. Nath. ed. Schechter, p. 122, Version II, 43; Tanhuma, *Behar* 6; Louis Ginzberg, *Genizah Studies* I, 89. See *HUCA* XIV (1939), 511, note 56. As to Sifra, *Behar*, Par. 5, *supra* p. 168 in the Maimonidean rank one.

<sup>20</sup> Just as Maimonides in *Matnot 'Aniyim* X, 9 says "our sages" when alluding only to Mar 'Ukba (Maim. item 3), and in X, 10 when alluding only to R. Abba (Maim. item 4), so does Al-Nakawa say "our sages," although the saying is that of one individual, R. José.

## III. ELEMENTS OF ORIGINALITY

While these several gradations of benevolent acts represent borrowings from the Mishna, the Talmudim, the Tosefta, Sifre, Sifra, and various Midrashim, and to some extent, from one another, each displays its elements of uniqueness and originality.

Maimonides appears to have been the first to conceive of a deliberately constructed scale of philanthropic values. He was, at least, the first to use the word *Ma'alot* in this sense and to design a series of more than three stages.

It is further to be noticed that all of the Maimonidean borrowings are restricted to the first half of the Maimonidean scale. The 5th, 6th, 7th, and 8th items dispense with all grounding in the past and are, to all appearance, of Maimonides' own composition.<sup>21</sup>

Maimonides displays originality also in certain details. Sab. 63a and Abot de R. Nathan 41, which obviously underlie his highest ranking, place business partnerships on a level superior to that of granting loans. With Maimonides, the level of the two is identical. Neither Sab. 63a nor Abot de R. Nathan 41 mentions the providing of employment. Employment (*Melaka'*) is a uniquely Maimonidean contribution.<sup>22</sup>

The originality of Moses of Coucy (Semag) consists in his inversion of the Maimonidean order. For some reason, Semag elects to omit the Maimonidean rank one. While he mentions no sources, he utilizes the concepts of Sab. 63a and of Abot de R. Nathan 41 (material employed in the Maimonidean rank one) elsewhere in his §162 and partly in his §93, but not in his scale of philanthropic values.<sup>23</sup>

The original factor in Al-Nakawa's FIVE is the choice involved

<sup>21</sup> *Supra* notes 8 and 11, we animadverted to the factors of originality in the *Mišneh Torah*. Bernard Ziemlich, *op. cit.*, p. 252, calls attention to the extensive utilization by Maimonides of medical and cosmological ideas having no talmudic or rabbinic origin. Ziemlich instances the cosmology of *Yesode Hatorah* chap. ii and the health rules in *De'ot*, chaps. iii and iv.

<sup>22</sup> Compare the utilization of Abot I, 5 in *Matnot 'Aniyim*, X, 7, but see note 9 *supra*.

<sup>23</sup> Munkacs ed., 1905, p. 133b, first column near top. The "seven degrees" stand on p. 134b. Quoting, on p. 133b, the statement from Yeb. 63a (top)



## TABLE OF QUOTATIONS AND REFERENCES

\*Means that the author names the source.

†Means that the author quotes or approximately quotes the source.

Otherwise the indication implies an allusion without quotation or naming of source.

Source	<i>Maimonides</i> GRADATION NO.	<i>Moses of Coucy (Semag)</i> GRADATION NO.	<i>Al-Nakawa's FIVE</i> GRADATION NO.	<i>Al-Nakawa's NINE</i> GRADATION NO.
Sab. 63a	1 (8)	.....	5*†	.....
Sab. 118b	.....	.....	.....	9†
Pes. 53b	1 (8)	.....	.....	8†
Ta'an. 8b	.....	.....	1*†	.....
Yeb. 63a	.....	.....	5†	.....
Ket. 67b	.....	.....	.....	.....
line 3	.....	.....	.....	4*†
" 8	.....	.....	.....	5†
" 9	.....	.....	.....	5*†
" 14	.....	.....	.....	5*†
" 19	.....	.....	.....	6*†
" 23	.....	.....	.....	6†
" 25	.....	.....	.....	7†
" 29	.....	.....	.....	7†
" 30	.....	.....	.....	7†
" 37	3 (6)	6†	.....	.....
" 48	4 (5)†	5*†	4*†	.....
Ket. 111b	.....	.....	.....	8
B. B. 8b	2 (7)†	7*†	4	.....
B. B. 9a	.....	.....	.....	1† 2†
B. B. 10a	.....	.....	2	.....
B. B. 10b	.....	.....	.....	.....
line 1	.....	.....	3 4†	.....
" 2	2 (7)†	.....	.....	.....
" 3	3 (6)	.....	.....	.....
" 4	4 (5)	.....	.....	.....
" 8-10	3 (6)	.....	.....	.....
" 9	.....	.....	4	.....
" 10	2 (7)†	.....	.....	.....

Source	<i>Maimonides</i> GRADATION NO.	<i>Moses of Coucy (Semag)</i> GRADATION NO.	<i>Al-Nakawa's FIVE</i> GRADATION NO.	<i>Al-Nakawa's NINE</i> GRADATION NO.
San. 76b			5†	
Peah VIII, 7	2 (7)†		4†	2†
Shek V, 6	2 (7)†		4	
Ket. VI, 5				3†
Tos. Shek II, 16		7*†		
Tos. Peah IV, 8				2†
Tos. Peah IV, 10				9
Yer. Peah VIII, Halakah 8				6*†
Sifra Behar 5	1 (?)			9 (?)
Sifre (?) on Prov. 3.18				8†
Sifre on Deut. 118				5*†
Lev. Rab. 34.6				9†
Lev. Rab. 34.12			2	
Midr.(?) to Ps. 112.9			5*†	
Midr.(?) to Prov. 3.9				8*†
Abot de R. Nathan 41	1			
Matnot 'Aniyim VII, 8				2*†
Matnot 'Aniyim X, 7			5	
Tur, 250				2†
Semag, 162				5†

in items 1, 2, and 3. As we have noticed (*supra* p. 167). Maimonides is duplicated only in Al-Nakawa's rankings four and five.

Some elements of originality are discernible also in Al-Nakawa's series of NINE. The eighth stage of this gradation is the only one duplicated in any of the other lists. While extensive borrowings from prior literature are obvious, the choice of just these topics rather than any others belongs distinctly to Al-Nakawa.

We have already observed (*supra* p. 174) the indications that the final degree in Al-Nakawa's NINE abounds in matter not derived from other authors. The treatment of the seven different words for "poor" differs markedly from that in any of the other sources broaching that array of synonyms.<sup>24</sup> Thus *Dal* is interpreted as being a person who, because of his poverty, is forsaken by kindred and friends. The *Tekak*<sup>25</sup> is one who lives on poverty's border-line where any untoward happening can plunge him into destitution. The *Mak* is one whose poverty is chronic. The *Raš* is the genteel poor person who, as long as he can, assumes an outward appearance of respectability but who, once his poverty is exposed, becomes the scorn of relatives and acquaintances. The '*Ani* is the one who, by utmost toil, can scrape together the barest subsistence. The *Misken* is one who seeks aid but meets with naught except jeers and rebuffs. The '*Ebyon* is the person who is hopelessly incapable either of working or of begging and who vainly longs for everything, even for food. Each of these types must be handled in accordance with its respective predicament.

Distinctly original is Al-Nakawa's summarization: "The administrators of charity must understand all of these several types, if they would apportion aid intelligently." In this conception of individualized treatment, our author comes strikingly near to modern conceptions of social service.

about lending to the poor in a time of stringency, Moses of Coucy, like Maimonides, mentions the loan and the job but, unlike Maimonides, omits the business partnership.

<sup>24</sup> Enelow, *op. cit.*, p. 34.

<sup>25</sup> Some precedent for the idea of prevention which our author joins with that of the *Tekak*, we have noted *supra* p. 168.

## IV. THE LOGIC OF THE SEQUENCES

Any comparison implies a quantitative difference amid some kind of qualitative identity, and a gradation is merely a comparison that may include more than two members. We can compare degrees of heat or degrees of weight or degrees of distance — to some extent even degrees of pleasure — with one another. We can not compare heat with weight or weight with distance or pleasure with any of them. We can grade houses as having 100 square feet of flooring or 150 square feet or 200 square feet. We can grade houses as unpainted, partly painted, or completely painted. We can not arrange a gradation of beautiful houses, red houses, stone houses, bath houses, and mortgaged houses. All members of a true gradation exclude one another. In the example above, 100 square feet exclude 150 square feet and 200 square feet; 150 excludes both 100 and 200, while 200 square feet excludes 100 as well as 150. Completely painted houses exclude the unpainted and the partly painted, and so on. Red houses, however, do not exclude beautiful houses or stone houses or bath houses or mortgaged houses. A stone house can be red and a mortgaged house can be red. Similarly with all the members of such a series, each can exist conjointly with any of the others.

Bearing this in mind, we are constrained to observe that none of our gradations of benevolence constitutes a true gradation. None of them displays a unitary basis of comparison running through the entire series. None contains items every one of which excludes all of the rest.

## 1. MAIMONIDES (FOLLOW TABLE A)

Let us examine, once more, the scale proffered by Maimonides. It will be noticed that, while items 2, 3, 4 are mutually exclusive,<sup>26</sup> and items 5 and 6 mutually exclusive, and while item 7 (omitting

<sup>26</sup> If this basis applied to the Maimonidean rank one, the contents of the present rank one would have to follow the contents of the present rank four. In the "loan, partnership, or job," identities are unconcealed.

the word "inadequately") excludes item 8, the mutual exclusiveness does not extend any further. Item 5 can obtain jointly with items 1, 2, 3, 4, 7, and 8. Item 6 can coexist<sup>27</sup> with any except item 5. Item 7 (omitting "inadequately") is compatible with all except item 8, as item 8 is compatible with all except 7. The "inadequately" of item 7 can characterize any one of the other

TABLE A

## THE GRADATIONS OF MAIMONIDES

1. A gift, a loan, a business partnership, a job rendering alms unnecessary
2. Benevolence in which the giver and the recipient are unknown to one another
3. Benevolence in which the giver is unknown to the recipient
4. Benevolence in which the recipient is unknown to the giver
5. Giving before one is asked to give
6. Giving after one is asked to give
7. Giving inadequately but graciously
8. Bestowal of alms grudgingly

stages.<sup>28</sup> In brief, we have here not one basis of comparison but five, namely:

- A. The question of adequacy. This is the basis of the word "adequately"<sup>29</sup> in item 7.
- B. The matter of being gracious or ungracious. This is the basis of items 7 and 8.
- C. The question whether the helper does or does not wait until solicited. This is the basis of items 5 and 6.
- D. The extent to which the identities of giver or recipient are concealed from one another. This is the basis of items 2, 3, 4.

<sup>27</sup> Giving can be anonymous as instanced by the "chamber of secrecy," mentioned in connection with the Maimonidean rank two.

<sup>28</sup> *Supra*, note 7, a.).

<sup>29</sup> *Supra*, notes 7 and 26.

E. Ingenuity in contriving that aid should lack the appearance of aid. This is the basis<sup>30</sup> of item 1.

A unitary sentiment, to be sure, does pervade all eight of the items.<sup>31</sup> This is the sentiment about rendering help in such manner as to protect the recipient from humiliation. Maimonides doubtless intended that his highest stage should involve a minimum of humiliation and his lowest stage a maximum, with corresponding variations throughout the scale. That he succeeds in conveying his admonition need not be denied. His striking attempt to construct a scale and his claim to have produced such a scale may even add force to his admonition. What we deny is that he succeeded in devising a genuine ladder of eight degrees. A unitary sentiment is not the same as a unitary basis of comparison. If it were, any grouping of entities could become a gradation. But if any and every congeries can be a gradation, the word "gradation" forfeits all significance.

<sup>30</sup> The commentators, most of them referring to Rashi's interpretation of the passage in Sab. 63a, are almost unanimous in regarding the import of the Maimonidean rank one to be that of disguising the benevolence in order to shield the recipient against humiliation: *Tur* 253 end; Al-Nakawa op. cit. Ša'ar 7 (Enelow, ed. p. 83, lines 19, 20); Abraham ben Elijah Hakohen, *Me'i-Zedakah*, § 1553, § 1557 (*HUCA*, XIV, (1939), 305; *Ba'er Heleb*, to *Šulḥan 'Aruk*, *Yoreh De'ah*, 249, 6; *Bet Josef* to *Tur*, 249; Aboab, *Menorat Hama'or* 7-2-10; Elijah Hakohen, *welo 'Od 'Ela*, *Zitomir* 1853 p. 46a, quoting Ab. R. Nath. 4. *Sifse Kohen* to *Sulḥan 'Aruk*, *Yoreh De'ah* 249, elaborates to the effect that a present subjects one to less humiliation than alms because gifts are ordinarily exchanged between friends. Partnership is less humiliating than a loan because, from a partnership, the helper derives profit. *Ben Abraham* on Ab. R. Nath. 41 (Wilna and Grodna 1833) comments that loans avert humiliation because loans are granted to rich as well as to poor. Moreover the sums accorded as loans are likely to be ampler than those conferred as gifts. Not exactly identical is the view of David ben Zimra who, quoting *Sifra*, *Behar*, Par. 5 (*supra* p. 168) construes the Maimonidean first rank as stressing prevention. A synthesis of the two ideas appears in *Semag* § 162, with its suggestion that, when poverty is prevented, humiliation is prevented.

<sup>31</sup> The Ben Abraham commentary on Ab. R. Nath. 41 (Wilna and Grodna, 1833) observes that a loan is given less graciously than a business partnership, the benefactor having more to risk in a loan. Had Maimonides appropriated that distinction (*supra*, p. 164), there would have been introduced an additional sentiment (as in Al-Nakawa's FIVE, *infra*, p. 185) and an additional basis of comparison. By placing loans and business partnerships on the same level, Maimonides (*supra*, p. 164) serves the interests of unity.



## 2. MOSES OF COUCY (FOLLOW TABLE B)

In the gradation offered by Moses of Coucy, items 5, 6, 7 are mutually exclusive of one another and exhibit among themselves a common basis of comparison, resembling in this regard, the parallel items in Maimonides. The same may be said of *Semag's* items 1 and 2. Items 3 and 4 can be fitted together if we assume the warrantability of adding to item 3, the words "after the needy person has asked."<sup>32</sup> Neither 1 nor 2 nor 3 nor 4 is excluded

TABLE B

## THE GRADATIONS OF MOSES OF COUCY (SEMAG)

1. Giving with a grudge
2. Giving graciously
3. Giving graciously and adequately
4. Giving graciously and adequately without waiting for the needy person to ask
5. Giving in such wise that the recipient is unknown to the giver
6. Giving in such wise that the giver is unknown to the recipient
7. Giving in such wise that neither is known to the other

by 5 or 6 or 7, while item 4 is compatible with 2 and possibly identical with unemended 3. These seven items, in a word, exhibit no fewer than four different bases of comparison:

- A. The question of adequacy. This is the basis of items 3 and 4, or rather of the second portion of each item.
- B. The matter of being gracious or ungracious. This is the basis of items 1 and 2. As the text stands before us, items 3 and 4 merely repeat the word "graciously" appearing in item 2.
- C. The question whether the helper does or does not wait until solicited. This is expressly the basis in item 4, the last part, and also the basis in item 3, provided our proposed supplementation to item 3 is justified.

<sup>32</sup> *Supra*, note 7, c.

D. The extent to which the identities of giver and recipient are concealed from one another. This is the basis of items 5, 6, and 7.

The disparities between Moses of Coucy and Maimonides are so slight and so obviously accidental that we can easily recognize in the former the same unitary sentiment as that pervading the eight levels of the latter. The underlying thought in both is the merit of sparing the needy person's sensibilities, the thought itself remaining unimpaired whatever the deficiencies that mar the structure of the scale.

### 3. AL-NAKAWA'S FIVE (FOLLOW TABLE C)

The first three items of Al-Nakawa's FIVE are, like one of the items in Maimonides and two of the items in *Semag*, not simple but composite. Item 1 in Al-Nakawa's FIVE involves a.) the

TABLE C

#### AL-NAKAWA'S FIVE GRADATIONS

1. Giving or pledging publicly and ostentatiously and, in certain instances, failing to pay the pledged sum
2. Giving or pledging in public not only with ostentatious intent but also with devout intent
3. Giving with devout intent and, in such wise, that none but the giver and the recipient know of the transaction
4. Giving in such wise that giver and recipient are unknown to one another
5. Aiding the poor person by means of a business partnership or a loan

element of ostentation, and b.) the factor of default. Item 2 involves a.) the element of ostentation, and b.) the element of devoutness. Item 3 involves a.) the element of devoutness, and b.) the factor of privacy. We must therefore speak not of items 1, 2, 3 but of items 1a, 1b, 2a, 2b, 3a, 3b.

Item 1b may have to be deleted as irrelevant. The topic before us is benevolence. Item 1b falls outside of the category

of benevolence. Item 1b alludes precisely to instances in which charity fails to occur.<sup>33</sup>

The non-exclusives in Al-Nakawa's FIVE are the following: Item 2a merely repeats 1a, while 3a merely repeats 2b. Item 2b (= 3a) is compatible with items 4 and 5. Item 2 states explicitly that 1a is compatible with 2b (= 3a).

Further scrutiny will show that we have, in these five grades of Al-Nakawa, no fewer than six different bases of comparison:<sup>34</sup>

- A. The quality of devoutness. Represented by 2b (= 3a).
- B. The matter of ostentation. Represented by 1a (= 2a).
- C. The extent to which the transaction is concealed from outsiders. Represented by 3b.
- D. The extent to which the identities of giver and recipient are concealed from one another. Represented by item 4.
- E. Ingenuity in contriving that aid should lack the appearance of aid. Represented by item 5.
- F. The wisdom of making a given amount of money render the utmost philanthropic service.<sup>35</sup> This is represented by item 5.

Bases C and D may appear, at first blush, to be aspects of one and the same standard. But they are not. To some extent, they even contradict one another. Among the devices for concealing givers from recipients and *vice versa*, is the communal fund which outsiders administer. It is curious that even the *Liškat Haša'im* invoked by Maimonides and by *Semag* as a means of eliminating outsiders becomes, in Al-Nakawa's FIVE, a box whose contents are distributed by a treasurer.<sup>36</sup> Keeping

<sup>33</sup> Unless the author meant that any act — even a deceptive act — which induces benevolence in others is a species of charity, this falls outside the range of *Zedaqah* far more decidedly than does the matter upon which *Sifse Kohen* comments, *supra*, note 5.

<sup>34</sup> Should the conjecture in the preceding note be not a mere conjecture but a statement of fact, there would be seven bases of comparison in Al-Nakawa's FIVE. We would have to include, among the bases of comparison, the quality of arousing benevolence in others.

<sup>35</sup> *Supra*, p. 171 on the possibility that a loan repaid can become a further loan.

<sup>36</sup> Enelow ed., p. 83, lines 11–16.

the identity of helper and helped reciprocally hidden is one ideal. Keeping their identities unknown to outsiders is a distinctly different ideal. Still different, we need hardly observe, in item 5, is the partnership or loan (copied from Maimonides) by which reciprocal concealment is definitely precluded. In the case of partnership, even the public would come to know what had occurred.

Nor is all that we lack here unity of basis. Also missing is the unity of sentiment that we felt in Maimonides and in *Semag*. While items 3b, 4, 5 in Al-Nakawa's FIVE convey the traditional concern for sparing the poor humiliation, items 1a, 2, 3a envisage not the mental state of the recipient but the mental state of the giver. Again, item 5 stresses the advantages of loans which, when repaid, can serve as further loans. This five-step gradation thus embodies not one sentiment but three: 1) that of scruple about the poor person's sensibilities, 2) that of solicitude about the benefactor's motives, and 3) that of shrewd financial management.

#### 4. AL-NAKAWA'S NINE (FOLLOW TABLE D).

It is only because of the word *Ma'alot* in the text of Al-Nakawa that we speak here of a gradation at all. There is no item in the list that excludes any other, and there are no two items resting

TABLE D

#### AL-NAKAWA'S NINE GRADATIONS

1. A trivial gift to a beggar who goes from house to house
2. Communal shelter for transients
3. The dowering of indigent brides
4. Equipping indigent grooms with household appurtenances and with clothes
5. Assisting, in a suitable manner, a poor person of worthy lineage
6. Assisting, in accordance with prior standards of living, a poor person who has seen better days
7. Assistance, in the guise of a loan, for a poor person who is sensitive about accepting alms
8. Dignified assistance to a necessitous scholar by means of business loans or patronage
9. Assistance adapted to the recipient's individual needs

upon the same basis of comparison. Possibly the author wishes to intimate some vague gradation of financial outlay. Item 2 may involve larger expenditure than item 1, item 3 than item 2, and so on down the list. Again, it may be that these several items, if not by their contents, at least by their verbalizations, may have elicited varying degrees of the author's enthusiasm, item 1 arousing in him a minimum of ardor, and item 9 a maximum, with corresponding degrees up or down the series.

Most plausible would be the surmise that a scale of benevolences is really not the author's concern. His zeal focuses upon Jewish tradition from which he quotes so copiously. His object appears to have been that of capturing the attention of his readers for the mighty thoughts in the Talmud, the Midrash, Sifre, the Tosefta, and the rest. The pretense of a gradation may represent not any serious effort but rather what we of today would call a form of advertising. The author's endeavor was not to contrive a gradation but to intensify the reader's love for the gems of Jewish teaching.

Indeed, Al-Nakawa's NINE only carries to an extreme the characteristic barely disguised in the other three. In all of them, the constructing of a scale was secondary. Gripping the reader's soul in behalf of Jewish admonitions about benevolence and of high ideals regarding benevolence — this seems to have been, in all of them, the prime and the real objective.

# BEITRAEGE ZUR FINANZGESCHICHTE DER JUEDISCHEN GEMEINDEN IN POLEN

BERNARD D. WEINRYB, New York City

## I. DIE KONSUMPTIONS- UND EINKOMMENSTEUER

DIE Krupki- oder Korobka-Steuer,<sup>1</sup> auch טאַקסי<sup>2</sup> genannt, war, wie bereits ausgefuehrt,<sup>2a</sup> sowohl Konsumptions- wie auch Einkommen- bzw. Umsatzsteuer.<sup>3</sup> Die Konsumptions-

\* Krupki von Krobka, Krobja = Kiste, Schatulle, Buechse. In den Gemeinden war es ueblich, dass die Eingaenge in einer Kiste (Kasse) aufbewahrt wurden, in die einer der Vorsteher das Geld durch eine Spalte hineinwarf; der Schluessel dagegen befand sich bei einem anderen Vorsteher, bzw. wurde irgend eine andere Anordnung getroffen, die die Kontrolle ueber die Gelder ermoeglichte. So haben wir ein "Kistchen des czopowe" (הקעסטיל של טשאפאוי) in der Krakauer Gemeinde im Jahre 1595 (Wettstein, *Kadmonijot mi-Pinkesa'oth Ješanim* 1892,10). In Pinczow wurde bei der Einfuehrung der Krupki-Steuer folgendes bestimmt: להייה לחבה הנ"ל וליהיה קרופקי הי סגור ומסגור; וכל שני אנשים הקבועים בכל שבוע לכל אחד יהי מפתח שלש מפתחות דהיינו ב' מפתחות יהי ביד שני אנשים הקבועים בכל שבוע לכל אחד יהי מפתח אחד והמפתח השלישי יהי ביד נאמן הקרופקי. (Pinkes der Gemeinde Pinczow) Aehnliche Bestimmungen sind auch aus anderen Orten bekannt. Fuer die Konsumptionssteuer auf Fleisch war in Pinczow angeordnet, dass das Geld in eine verschlossene Kasse gelegt werden sollte, die einem der Schaechter unterstellt war; der Schluessel dagegen sollte bei dem zweiten Schaechter der Stadt aufbewahrt werden. Warum gerade fuer diese Steuer die Bezeichnung "Krupki" entstanden ist, ist schwer zu sagen. Uebrigens wird diese Steuer in Urkunden — allerdings im 19. Jht. — תבה genannt (so תבה הלחם = Brotkrupki, im Jahre 1825 in Pružana. Vgl. *Pinkes* von der Stat Pružene. 1930, S. 33). In spaeteren Jahren findet sich in Urkunden der Ausdruck "Krupki" fuer die Gemeindekasse ueberhaupt, wohl als Uebersetzung des hebr. Wortes "תבה" (In Litauen: תבה המרינה = Kasse der Landessynode).

<sup>1</sup> taxa, taksa = Abgabe, Steuer [auf Grund von Schaetzung auferlegt] (Grimm, *Deutsches Woerterbuch* XI, 428; J. Karłowicz etc. *Słownik Języka Polskiego*, VII, 11-12). In den Urkunden ist manchmal טאַקסי neben "krupki" zu finden, an anderen Stellen wieder wird die Krupkisteuer als "טאַקסי" bezeichnet.

<sup>2a</sup> *MGWJ* 1938, 263.

<sup>3</sup> Im weiteren als Einkommensteuer bezeichnet, obwohl sie manchmal vom Einkommen, manchmal vom Umsatz erhoben wurde.



Steuer wird in den Urkunden של קרובקי oder "kleine Krupki,"<sup>5</sup> die Einkommen- bzw. Umsatzsteuer "grosse Krupki" (oder *taxe*) genannt. In spaeteren Zeiten (19. Jahrhundert) hat sich die Bezeichnung "krupki" oder "*taxe*" fuer die Konsumptionssteuer auf Fleisch und andere Gegenstaende, fuer Lichtsteuer etc. erhalten.<sup>6</sup> Zur Zeit der Einfuehrung aber waren anscheinend beide Arten Steuern gemeint.

Die Erlaubnis der Litauischen Landessynode von 1650, die "Krupki"-Steuern einzufuehren, bedeutet weder den Anfang der Konsumptions- und Einkommensteuer in den juedischen Gemeinden, noch sind diese Steuern bei ihrer urspruenglichen Bestimmung "zur Deckung der Schulden der Gemeinde" geblieben.

Aus dem Ende des 16. und Anfang des 17. Jahrhunderts sind aus manchen polnischen Gemeinden Belege ueber Abgaben beim Einkauf von Fleisch, manchmal auch von Fleisch und Met erhalten;<sup>7</sup> allerdings hat man dort das Einkommen aus dieser Steuer zur Deckung bestimmter Beduerfnisse (fuer Arme, Kranke, zur Deckung von Schulden, aehnlich wie in Litauen) bestimmt. Noch in frueheren Zeiten wurden in Polen Abgaben vom Einkommen erhoben oder der Handel mit gewissen Waren war steuerpflichtig,<sup>8</sup> wobei allerdings nicht immer klar ist, ob es

\* Buber, *Kirja Nisgaba*, 111, 117.

<sup>5</sup> "Krubka mala" in einer Urkunde von Lemberg vom Jahre 1772 (*Zbigniew Pazdro, Organizacya i praktyka zyd. sądów podwojedzinskiich 1740-1772* Lemberg 1903, S. 285).

<sup>6</sup> Vgl. Gessen in *Evrejska Starina* 1911, S. 305 ff. Die hier von uns behandelte Epoche umfasst die Zeit bis zur Teilung Polens; in der spaeteren Zeit gestaltet sich das Steuerwesen der Juden in Polen entsprechend dem Lande, zu dem der betreffende Teil gekommen war. Ueber Russland informiert die hier erwaehte Arbeit von Gessen.

<sup>7</sup> Lemberg, Żółkiew, Krakau, Posen (Balaban, *Żydzi Lwowscy na przełomie XVII i. XVIII w.* Lemberg 1906, S. 352; Buber, *Kirja Nisgaba*, S. 84; Wetstein, *Diwre Chefez*, S. 26-27, 46 ff. 1613 haben Hausvaeter in Krakau eine freiwillige Abgabe vom Handel fuer soziale Hilfe beschlossen (Wetstein, *Kadmonioth*, S. 26; A. Heppner-J. Herzberg, *Aus Vergangenheit und Gegenwart der Juden in Posen*, 1914, S. 38). In Dubno hat man 1743 beschlossen eine Abgabe in der Hoehe von einem טפל pro 1 p. Gulden (1, 1%) beim Einkauf von Fleisch fuer das Krankenhaus einzufuehren. (Margoljes, 52).

<sup>8</sup> Dubnow, *Pinkes Hamedina*, §4. Schorr, *Organizacya Żydów w Polsce*, Lemberg 1899, S. 40.

sich um Abgaben von Monopolartikeln, um Konsumptions- oder Einkommensteuern handelt. Ebenso ist es wahrscheinlich, dass die in Litauen erteilte Erlaubnis auf eine dort bereits bestehende Praxis zurueckging. Jedenfalls hoeren wir 20 Jahre spaeter, dass "in jeder Gemeinde Krupki vorhanden ist."<sup>9</sup> Um 1643 wurde in Posen die Einfuehrung der Krupkisteuer beschlossen, mit der Begruendung, dass dies von der Vierlaendersynode fuer die Gemeinden bestimmt worden war.<sup>10</sup>

Jedoch kommt seit der Mitte, bzw. seit dem Ende des 17. Jhts. die Krupki-Steuer viel haeufiger zur Anwendung (aehnlich wie ueberhaupt in Polen die Einkommensteuer ausgebaut wurde); sie tritt immer mehr an die Stelle anderer Steuern, bzw. wird zur Grundlage aller Auflagen (wie der סכום, bzw. die Kopfsteuer). Ja, auf ihrer Grundlage wird versucht, eine Vereinheitlichung und Vereinfachung des Steuersystems durchzufuehren, was allerdings nicht immer, jedenfalls nicht fuer lange Dauer, gelang.

Es scheint aber, dass eine gewisse Tradition bestehen blieb, dass die Krupkisteuer zur Tilgung von Schulden bestimmt sei. Wohl daran hatte die polnische Regierung angeknuepft, als sie 1766 auf Grund der von der 1764 eingesetzten Liquidationskommission festgestellten Schulden der Gemeinden in Litauen anordnete, die Krupkisteuer einzufuehren, von deren Einkuenften die Zinsen bezahlt werden sollten. In Minsk wurde 1795 die Krupki-Steuer mit der Bestimmung "gewisse Schulden" zu tilgen, eingefuehrt.<sup>11</sup> Jedoch wurden auch hier die Gelder spaeter fuer andere Zwecke verwandt. Auch hier handelte es sich, wie im 17. Jahrhundert, anscheinend um beide Arten der Steuer: Konsumptions- und Einkommens-, bzw. Umsatzsteuer.<sup>12</sup>

<sup>9</sup> Dubnow, *Pinkes Hamedina*, §660. Vgl. auch Gessen das. S. 306.

<sup>10</sup> והנה אלופי קציני ראשי ומנהיגי ארבע ארצות יצ'ו השניחו ע'ז אונו וחקנו שכל קהלה '... וליל מחוייבי' לחקן קארופקי ומכס כדי שלא יוגבה כל הנבוייות ע'י סכומי'... (L. Lewin, *Neue Materialien zur Geschichte der Vierlaendersynode*, Frankfurt/M 1906, S. 21.)

<sup>11</sup> Brafmann, *Kniga Kahala*, Nr. 9, 57. Vgl. auch die Verordnung ueber die Krupki in Sokolow, wo anscheinend auch dieselbe Vorstellung von Schulden-tilgung vorliegt (Schatzky in *Schriften f. Oekonomik und Statistik I*, S. 84).

<sup>12</sup> Vgl. Gessen, das., S. 307 ff.

Die Konsumptionssteuer unterschied sich zunaechst vom סכום dadurch, dass sie wie jede indirekte Steuer nicht progressiv war und breitere Schichten der juedischen Bevoelkerung erfasste. Auch fuer die Einkommen- bzw. Umsatzsteuer war ein groesserer Kreis von Zahlern als fuer den סכום herangezogen worden, um damit zweierlei zu erreichen: 1. die Steuernlasten auf die Schultern der breiten Massen abzuwaelzen,<sup>13</sup> 2. das Einkommen der Gemeinde zu vergroessern. Von dem סכום unterschieden sich diese beiden Arten von Steuern dadurch, dass sie im allgemeinen nicht durch Einschaeztung erhoben wurden, wenn dies auch bisweilen hier zu finden ist. So wurde manchmal ein gewisses Minimum als Konsumptionssteuer vom Fleisch gemaess dem Vermoegen erhoben, bzw. wurde die Einkommensteuer durch Schaetzung repartiert. Auch hat man es dem Zahler ueberlassen, bzw. es von einem gewissen Minimum abhaengig gemacht, ob man den סכום oder Einkommensteuer zahlen soll.<sup>14</sup> Jedoch sind dies Abarten, die in der Uebergangszeit, bevor die neuen Steuern sich durchsetzten, bzw. im Laufe der Zeit, nachdem die Vereinfachung des Steuersystems nicht gelungen war, als eine Art Kompromissloesung entstanden sind. Das Grundprinzip dieser Steuern war aber (jedenfalls theoretisch), dass sie nicht auf Grund von Schaetzung, sondern gemaess der tatsaechlichen

<sup>13</sup> Der Zustand in der Steuernbelastung in Litauen wird folgendermassen charakterisiert: 'כל מאן דאליס גבר להקל על עצמו ולהחמיר על עובי כח' (*Pinkes Medinat Lita* §125).

<sup>14</sup> Dubno 1746... בעלי סכומים משני זהו' ולמעלה בחירה' להם אם ירצו להגיד בחרם כל ארבעה שבועות מו"מ שלהם לנאמני מקסי כן יסלקו תיכף ואם לא יגידו בארבע שבועות אוי החיוב עליהם לסלק מקסי כפל מנחית שנה העבר כרשום בריסטר...

Dubno 1763... עפ"י שמאים נעלמים שיערכו אנשי... קהלתנו לנתינה וכפי אשר יעריכו אין ברירה לשום אדם או לסלק כפי הערכה או להגיד בחרם לפני נאמני הטקסי כל מו"מ שלו והכנסות שלו וכה יסלק כפי החקקה שהיו בשנות החרם... (Margoljes, Dubno rabbati 58, 89). In Tiktin wurde im J. 1781 bestimmt: "...יד הקהל על העליונה אם המעשר שלו יהיה יותר על הקרופקי שלו אוי יתן מעשר (Weinryb, *Studies in the Economical and Social History of the Jews in Poland* 1939, 95). Auch ausserhalb Polens, in Kremsier, hat man bei der Einfuehrung der Krupki-Steuer (1689) gleich festgesetzt, dass, falls diese neue Steuer nicht so viel wie die Grundsteuer einbringen sollte "so ist ein jedweder schuldig, den Abgang zu erlegen." Wen sie aber mehr einbringt, so gehoert dies der Gemeindekasse (Frankl-Gruen, S. 63).

Lage zu entrichten waren: die Konsumptionssteuer direkt beim Einkauf der Gebrauchsartikel (Fleisch etc.) und die Umsatzsteuer in der Regel entsprechend der Angabe des Zahlers, wobei zunaechst der Bann gegen diejenigen, die unrichtige Angaben machen wuerden, verkuendet wurde. Durch diese Aenderung in der Steuerauflage glaubte man wohl, den Schwierigkeiten und Nebenerscheinungen des ausgearteten Einschaetzungssystems aus dem Wege gehen zu koennen; man wollte durch eine solche Vereinheitlichung der Steuern auch das ganze Steuersystem umbauen; an Stelle des סכום sollte die Krupki-Steuer treten, die wie jene als Grundsteuer dienen und wohl auch als Grundlage fuer andere Steuern gelten sollte.

Im Beschluss der Vierlaendersynode ueber die Krupki-Steuer wird ihre Notwendigkeit damit begruendet, dass man nicht alle Steuern mittels des סכום auferlegen sollte.

Die litauische Landessynode verordnet 1670, dass keine Kopfsteuer erhoben werden soll, da in jeder Gemeinde eine "Krupki" vorhanden ist; dabei wurde anscheinend der Versuch gemacht, die Krupki als Abgaben-Einheit, als Grundlage fuer die Bemessung anderer Steuern anzusehen.<sup>15</sup>

In Krakau finden wir 1727 die Einkommensteuer<sup>16</sup> und 1771 — wohl bei der Neueinfuehrung — wurde beschlossen, dass diese zur Hauptsteuer werden soll.

In Dubno wird — allerdings erst 1783 oder 1789 — verordnet, dass ausser der "taxe" keine סכום-Abgaben erhoben werden sollen.<sup>17</sup> In Minsk wird 1794 beschlossen, statt der in woeentlichen Raten gezahlten, durch Einschaetzung auferlegten Steuer die Krupki-Steuer auf Fleisch einzufuehren.<sup>18</sup> In Pinczow wurde die Krupkisteuer im Jahre 1740 eingefuehrt; dabei wurde bestimmt, dass im ersten Jahr die Krupkisteuer gemaess einem Minimum des סכום (woertlich: מעות שבוע = woeentliche Steuerzahlung) gezahlt werden solle. Nach dem ersten Jahre aber sollte nur die Krupki-Steuer Geltung haben.<sup>19</sup> In einer anderen polnischen

<sup>15</sup> מאחר שבכל קהלה וקהלה יש קראבקי ע"כ אין לנכות שום גבי' ע"פ ולגול רק למה שמבואר בש"ע ולמה שמבואר בפנקס המדינה . . . ועכ"פ כפי סך הקראבקי יגבו סכומות . . . (Pinkes Medinat Lita, §660.)

<sup>16</sup> Balaban, *Historja Żydów w Krakowie i na Kazimierzu* II, 219–20. Die dort angefuehrte Quelle "Wetstein, *Kadmonioth mi-Pinkesim Ješanim*" bringt jedoch nichts ueber die Einkommensteuer.

<sup>17</sup> Margoljes, 131–133.

<sup>18</sup> Brafman, *Kniga Kahala*, Nr. 1.

<sup>19</sup> 'זהבירה בידי בעל הבית אם ירצה ליתן הוספה על סכום הקרופקי אשר יתן במשך . . . השנה חלק תשיעית למשל, מי שיתן שמנה זהו' ירצה ליתן תשעה זהו' אזי פטור מן השבועה . . . ועכ"פ מחויבים כל בעלי סכומות להשלים עד ששים מעות שבוע כפי סכום הראידנא . . . ונתינות

Gemeinde — Włodawa — wird im letzten Viertel des 18. Jahrhunderts einige Male versucht, die Einkommensteuer statt der Einschätzung einzuführen,<sup>20</sup> was allerdings misslungen ist.

Uebrigens scheint auch in Dubno die Vereinheitlichung des Steuersystems misslungen zu sein; jedenfalls hoeren wir schon einige Jahre (1791) nach dem obenerwachten Beschluss, dass ausser der Krupkisteuer auch noch die סכום-Steuer existierte, und dass man die Konsumptions- und Einkommensteuer durch Schaetzungen auferlegte.<sup>21</sup>

Tatsaechlich sehen wir, dass in Wirklichkeit in einer ganzen Reihe Gemeinden die Krupkisteuern neben der סכום-Steuer existierte. In Krakau hoeren wir 1727 von einer Einkommensteuer<sup>22</sup> (und 1741 von der Konsumptionssteuer<sup>23</sup>) und in Dubno erst in den achtziger Jahren ist der Versuch gemacht worden, sie zur Hauptsteuer zu erhoehen. In Tiktin (1780), Biała (1748), Międzyrzecze (1759–60, 1760–61) und Rzeszów (1757) wurde sowohl die Krupkisteuer wie die סכום-Steuer erhoben.<sup>24</sup>

Ebenso scheinen in Posen (im Jahre 1705 und 1711) beide Arten Steuern existiert zu haben<sup>25</sup> waehrend 1774 die Krupkisteuer als Hauptsteuer galt.<sup>26</sup> Uebrigens war anfangs wohl kaum an eine Vereinheitlichung des Steuersystems gedacht, vielmehr hat man bei der Suche nach neuen Einkommensquellen immer neue Steuerarten eingefuehrt, sei es in Nachahmung der staat-

הקהלה יהי' מהקרופקי במו"מ עפ"י פונקטין הנ"ל ולא יוכרו עוד שום נתינה עפ"י מעות שבוע כי הנתינו' מעות שבוע נבטול בביטול גמור בהסכמת כל בני הקהלה יצ"ו . . . כינע ר"ח אלול . . . (Pinkes der Gemeinde Pinczow).

<sup>20</sup> Pinkes der Gemeinde Włodawa. Ms. Hebr. 4°149 der National-Bibliothek, Jerusalem. Auszuege aus dieser Handschrift veroeffentliche ich an anderer Stelle.

<sup>21</sup> . . . רייסטר מה שהעריכו הנגידים . . . להשלים חצי שנה מס וטקסי א"נ נתינות טקסי . . . מבשר . . . (Margoljes, S. 133, 178). Auch frueher wurde nicht ein mal der Uebergang zur Schaetzung bei der Auflage der Konsumptionssteuer gemacht. So 1762, 1778. Vergl. *ibid.* 79, 113.

<sup>22</sup> Wetstein, *Kadmonijot*, Nr. 32.

<sup>23</sup> Balaban, a. a. O. II, 214.

<sup>24</sup> Pinkes der Gemeinde Tiktin; vgl. unten.

<sup>25</sup> Vergl. Lewin, *Neue Materialien zur Geschichte der Vierlaendersynode* I, 1905, 18; II, 1906 39/40.

<sup>26</sup> Vgl. Perles in MGWJ 1865, 176.

lichen oder staedtischen Steuern, sei es in Nachahmung der Systeme anderer juedischer Gemeinden und man hat sich, wie erwaehnt der Konsumptions- und Einkommenssteuer schon fruehzeitig bedient. Erst nachdem die Steuerschraube immer staerker angezogen werden musste, die Steuerarten sich mehrten, die tatsaechlichen Eingaenge sich verminderten, schritt man an eine Vereinheitlichung. Den Hergang kann man sich aus einigen erhaltenen Quellen klarmachen. Schon um die Mitte des siebzehnten Jhts. finden wir in Żolkiew (anscheinend in Nachahmung von Lwów) dass "jene Leute, die von den Schaetzeren eingeschaezt wurden, eine ערך סכום zu geben, und diesen סכום nicht geben wollen, mit der Behauptung, dass sie nicht imstande sind, dies zu tun, schon laengst verordnet wurde, dass sie von ihrer Nahrung zu geben haben."<sup>27</sup> Spaeter finden wir eine aehnliche Begrueundung — dass man den סכום nicht zahlen kann oder will — bei dem Versuch, das ganze Steuersystem auf die Krupkisteuer umzubauen und zu vereinheitlichen.<sup>28</sup>

Ein solcher Uebergang war aber nicht einfach. Abgesehen von psychologischen und wohl auch technischen Schwierigkeiten war die Ausdehnung der Steuerlast auf breitere Schichten mit Schwierigkeiten verbunden. Deswegen wahrscheinlich sind in den Verordnungen ueber die Krupkisteuer viele einschraenkende und erschwerende Klauseln vorhanden; meist ist die Moeglichkeit des Einspruchs vorgesehen, bisweilen, wie schon erwaehnt, wurde

<sup>27</sup> Buber, *Kirja Nisgaba*, S. 99.

<sup>28</sup> *Pinczow 1740*: שראה ראינו שבעת מעמד קהילתנו יצ'ו נתמוטט ובכל פעם שנעשו "שראה ראינו שבעת מעמד קהילתנו יצ'ו נתמוטט ובכל פעם שנעשו" (PINKES der Gemeinde Pinczów). מידים ואינם נוהגים כלל, וגלל כך עלה במוסכם לחקן קרופא . . . עליהם מסים . . .

*Krakau 1771*:—בהיות שיש כמה אנשים אעפ"י שנרשמים בריסטר הקווארטלך או ברייסטר הערכה אינם יכולים לצאת ידי חובתם ליתן סך רב או מעט בפעם אחת וקשה להוציא מידים ואינם נוהגים כלל, וגלל כך עלה במוסכם לחקן קרופא . . . (Wetstein, *Diwre Chefetz*, 58).

*Włodawa 1795*: היות שמחמת גודל הצטרפות קהלתנו נעשה בשנה זו כמה הערכות על בעלי בתים מה שאין רוב הצבור יכולין לעמוד בה ומחמת זה נתהוו כמה קטטות ומריבות בקהלתנו גלל כן נחודעו אלופים ראשים . . . ועלה במוסכם האספה בחג' יב'ג' [בחרם הגדול יהושע בן נון] שלא יעשו שום הערכה וצעטיל וסכום על ב"ב דקהלתנו . . . ונתינת תאקסי הנ"ל (PINKES der Gemeinde Włodawa). Aehnliche Motivierung ausserhalb Polens. Vgl. Grunwald, "Mattersdorf" in *Jahrb. f. jued. Volkskunde*, 1924–25, S. 521. Vgl. auch ueber Maehren Wolf, *Die alten Statuten d. jued. Gemeinden in Maehren*, u. s. w., 53.



dem Zahler die Wahl gelassen, das eine oder andere Steuersystem anzunehmen.

In der Verordnung der litauischen Landessynode ueber die Krupki-steuer ist vorgesehen, dass man dreimal in den Synagogen darueber Mitteilung geben sollte, und dass jeder Einzelne das Recht haben sollte, dagegen Einspruch zu erheben; in Krakau dagegen hat man demjenigen eine hohe Geldstrafe angedroht (230 Goldgulden = etwa 4100 poln. Gulden) die ueber die neue Steuerverordnung "nachdenken oder gegen sie Einspruch erheben wuerden" (יִרְדֵּה אוֹ יַעֲוֹר). In Krakau konnte man sich nicht gleich ueber den Steuersatz einigen und daher wurde die Steuerordnung fuer die aermere Klassen<sup>29</sup> um einen Monat frueher verkundet, als diejenige fuer die Vermoeglicheren. In Pinczow waren strenge Bestimmungen ueber Aufseher und Forderung die Steuer fuer Handelstransaktionen am selben oder naechsten Tage abzufuehren vorgesehen. Bei Kaufleuten, die nach Auswaerts Handel trieben, war in Pinczow wie auch in Rzeszów vorgesehen, dass man vor der Abfahrt mit der Ware die Steuer erlegen musste, bei der Einfuhr von Waren galt die Verpflichtung, eine genaue Spezifikation der Waren vor der Ankunft des Wagens abzuliefern, die beim Abladen von den Aufsehern nachkontrolliert werden sollte.<sup>30</sup> In Posen (vielleicht auch im uebrigen Grosspolen) hat man bei den Kaufleuten, die die Jahrmaerkte besuchten, dort an Ort und Stelle die Steuern eingezogen,<sup>31</sup> bisweilen allerdings bestimmte man auch, dass dort nur in Ausnahmefaelen die Steuern eingetrieben werden sollten. Hingegen waren die Kaufleute auf jeden Fall verpflichtet, noch am Jahrmarkt genaue Verzeichnisse der eingekauften Waren und der getaetigten Handelsaktionen dem Jahrmarktsvorsteher einzureichen.<sup>32</sup> In Wilno scheint man gefordert zu haben jeden Tag den Umsatz, bezw. das Einkommen des Tages mitzuteilen.<sup>32a</sup> Diese und aehnliche Klauseln sollten dazu helfen, der Schwierigkeiten Herr zu werden; sie erschwerten aber in Wirklichkeit die Durchsetzung der Steuer. Sie hemmten den Handelsbetrieb; die Verpflichtung, die Steuer bald abzufuehren, jedes Mal den Handelsumsatz, bezw. das Einkommen zu deklarieren etc., waren nicht gerade dazu angetan, die Steuerzahlung zu erleichtern. Auch war die Annahme selbst, dass, da die Gemeinde-Mitglieder, die auf Grund von Schaetzungen auferlegten Summen nicht bezahlen wollten, oder konnten, die Steuerauflage gleichsam dem Zahler selbst ueberlassen werden sollte — schliesslich wurde

<sup>29</sup> "... להני אנשים שאינם נותנים זהב אחד לר״מסטר. d. h. solche, die weniger als 52 p. G. jaehrlich zahlten.

<sup>30</sup> *Pinkes* der Gemeinde Pinczow; J. Pęckowski, *Dzieje miasta Rzeszowa* do końca 18. w. Rzeszów 1913 S. 374 f.

<sup>31</sup> Verordnungen von 1763; Lewin, *Neue Materialien zur Geschichte der Verlaendersynode* I, S. 14, 16.

<sup>32</sup> So 1705 (*ibid.*, S. 187 II, 40). Vgl. auch die Klauseln in Kremsier 1689 (Frankl-Gruen, S. 64) und in Maehren (Wolf, *ibid.*, S. 53).

<sup>32a</sup> Haawar II Petrograd 1918, 69. Vgl. auch JQR XXIX, 311.

nach seiner Angabe die Steuer erhoben — unbegründet; viele Juden haben trotz des Bannes und der angedrohten Strafen weniger Umsatz, bezw. Einkommen deklariert, oder die Steuersummen einfach nicht bezahlt.<sup>33</sup> So wurde z. B. in Dubno im Jahre 1762 beschlossen, Einschätzer einzusetzen, um "Wochengeld (סכום) und Taxe einzuschätzen," nachdem die Krupkisteuer 2 Jahre existiert hatte "gemaess dem Bann"<sup>34</sup> (d. h. genaess eigener Deklaration nach vorhergegangennem Bann).

In der gleichen Richtung ging man, wenn einige Male im Laufe des achtzehnten Jahrhunderts die Krupkisteuer modifiziert wurde, und in den neunziger Jahren begann man wieder den סכום zu erheben, nachdem die Einkommensteuer bereits einige Jahre existiert hatte.

In Rzeszów haben — nach der Feststellung einer Kommission vom Jahre 1739 — die Reichen ihre Warenumsätze niedriger eingeschätzt, sich geweigert Deklarationen ueber ihren Umsatz oder ueber ihr Verdienst abzugeben, oder im Allgemeinen Bezahlung der Steuer verweigert, mit der Begründung, die Paechter verdienten zu viel etc. Daher wurden 1740 verschiedene Erschwerungen eingefuehrt (Verbot, von auswaerts gebrachte Waren abzuladen, bevor sie kontrolliert waren; Verpflichtung, jeden Freitag den Umsatz der Woche anzugeben, Forderung von Pfaendern in gewissen Faellen etc.); dagegen wieder wurde der Steuersatz herabgesetzt, von 2% auf 0,8%. Alle diese Reformen blieben aber auf die Dauer unwirksam<sup>35</sup> und die Einkuenfte aus diesen Steuern waren ganz unregelmässig.

An anderen Orten scheint sich die Einkommensteuer haeufig nicht durchgesetzt zu haben, bezw. hat man sie manchmal aufgegeben, um spaeter wieder auf sie zurueckzukommen. Obwohl 1643 von der Vierlaendersynode eine Verordnung erlassen worden war, dass die Gemeinden die Korobkasteuer einzufuehren haetten, hat die litauische Landessynode erst 1650 denjenigen Gemeinden, die diese Steuer einfuehren wollten, gestattet, dies

<sup>33</sup> In Posen hat man einen speziellen שברך מי fuer diejenigen gemacht, die puenktlich und in der festgesetzten Hoehe die Krupkisteuer bezahlten. (MGWJ 1865, 81). Diejenigen, die zur Jahrmaerkten fuhren, waren verpflichtet an Ort u. Stelle ihren Umsatz anzumelden (Lewin, *ibid.* II, 39).

<sup>34</sup> "בגדון הטקסי משא ומתן היה זה שנחיים עפ"י הכרח בחרם ולא יכול הצבור לעמוד . . . בה להנצל מעונש הנ"ל. (Margoljes, 79).

<sup>35</sup> Peckowski 374 ff.

zu tun.<sup>36</sup> Dabei wurden, wie schon erwahnt, verschiedene Moeglichkeiten des Einspruchs offen gelassen. 1670 hoeren wir von dort, dass in "allen Gemeinden" eine Korobka existiert, und 1687 wird von "etwelchen Gemeinden" gesprochen, in denen die Krupkisteuer eingefuehrt ist, und wieder 1697 wird jenen Gemeinden, "in denen es bis auf den heutigen Tag" keine Krupki gab, befohlen, diese einzufuehren.<sup>37</sup> In Krakau hatte die Korobkasteuer schon 1747 existiert und wurde 1771 "neu" eingefuehrt; waehrend in Dubno und Włodawa die Einfuehrung rueckgaengig gemacht wurde.

Im Endresultat ergab sich aus der Krupkisteuer, dass die Konsumptionssteuer als indirekte Steuer, die beim Einkauf der Nahrungsmittel (Fleisch) erhoben wurde, bedeutende Summe einbrachte;<sup>38</sup> dagegen stiess die Einkommensteuer auf verschiedene Schwierigkeiten, unterlag manchen Modifikationen und brachte der Gemeindekasse keine grossen Summen ein. Der Steuersatz ebenso wie das Einkommen aus den Steuern waren selbstverstaendlich nicht einheitlich und variierten je nach Zeit und Ort. Jedoch gibt das erhaltene Material einigen Aufschluss darueber.

### KONSUMPTIONSSTEUER (FLEISCH)

*Steuersatz.* In Sokolow zahlte man in den 60er, 70er Jahren des 18. Jhdts. "gemaess dem alten Brauch" 3 Grosz pro poln. Gulden, d. h. 10% des Fleischpreises; ausserdem zahlte noch der Metzger 1½ p. G. pro Ochsen, 1 p. G. pro Kuh ½ p. G. fuer Jungvieh und 24 Grosz pro Schaf ausser einem einmaligen Beitrag ("fuer das Messer") in der Hoehe von 100 p. G. die selbstverstaendlich auch dem Konsumenten angerechnet wurden. (Der Preis von 1 Pfund Koscherfleisch war mit 8 Grosz angesetzt, waehrend das nichtkoschere Fleisch nur 5 Grosz kostete).<sup>39</sup>

<sup>36</sup> Die ueblichen Ansichten ueber die Kompetenz der Synoden beduerfen mancher Berichtigung. In Wirklichkeit waren die Beschluesse der Landes- und Vierlaendersynoden haeufig nur ein "frommer Wunsch." Fuer die spaetere Epoche (18. Jht.) habe ich dies an anderer Stelle an Hand von Urkunden bereits nachgewiesen. (Vergl. Weinryb, *Studies in the Economical and Social History*, etc. S. 9 ff.).

<sup>37</sup> Pinkes, *Medinat Lita*, §803, 908.

<sup>38</sup> Allerdings waren auch hier Ausnahmen vorhanden. Vgl. z. B. Wetstein, *Kadmoniot etc. ueber Krakau im Jahre 1729*.

<sup>39</sup> Schatzky, in *Schriften f. Oekonomik und Statistik I* Berlin 1928. S. 85.

In Dubno wurde 1747 beschlossen "zu erneuern die Abgabe beim Einkauf von Fleisch, von jedem Gulden 3 Grosz" (10%). 1763 wurde von Ziegen, Schafe je 2 Gulden pro Kopf erhoben. Bei Rindfleisch war ueber 47% des Preises fuer die Steuer bestimmt.

In Włodawa betrug die Steuer bei ihrer Einfuehrung im Jahre 1778 3,3% des Fleischpreises. Fuer Hammel, Huhn und Ente wurden ein drittel Grosz fuer Gans  $\frac{2}{3}$  und fuer Truthahn 3 Grosz erhoben. 1791 betrug die Steuer bereits 10% des Fleischpreises, ebenso stiegen die Abgaben fuer Gefluegel, Huhn und Ente (1 Grosz), Gans (4 Grosz), Truthahn (6 Grosz).<sup>40</sup>

In Pinczow betrug 1740 die Grundsteuer 6,7% des Preises; fuer Huhn und Ente wurde  $1\frac{1}{4}$  Grosz, fuer Gans  $3\frac{1}{2}$  Grosz, fuer Truthahn 5 Grosz gezahlt.<sup>41</sup>

In Witebsk war man verpflichtet, die Haeute der geschlachteten Tiere der Gemeinde zu geben und ausserdem 1% ihres Preises als Steuer abzufuehren.<sup>42</sup>

In Krotoschin zahlte der Fleischer (1728) 2 Grosz pro Gulden (6,7%). Von einer Ente oder Henne wurden 2 Grosz, von einem Truthahn 10 und von einem Kalb oder Hammel 20 Grosz gezahlt.<sup>43</sup>

In Minsk wurden die Gemeindemitglieder verpflichtet (1794), 2 Grosz pro Pfund Fleisch und (1795) 4 p. Gulden pro Ochsen, 3 p. G. pro Kuh, 6 Grosz pro Ziege oder Kalb zu zahlen.<sup>44</sup>

#### EINKOMMEN- UND UMSATZSTEUER

Die "grosse Krupki"<sup>45</sup> umfasste 2 Arten von Steuern; Einkommen- und Umsatzsteuer. Die erstere wurde bei solchen angewandt, die ein klar zu uebersehendes Einkommen hatten: Arbeitslohn, Miete, Zinsen, Makler-Honorar etc., Umsatzsteuer wieder, zahlten diejenigen, die bei ihrem Beruf Auslagen hatten, zum Einkauf von Waren, Rohstoffen u. ae. und bei denen das reine Einkommen nicht immer feststellbar war, wie z. B. bei Kaufleuten, Handwerkern etc., wenn sich auch manchmal hier die Tendenz zeigt, das Einkommen zu besteuern. So hat man in Krakau 1771 fuer manche Sorten von Kaufleuten den Steuersatz vom Verdienst (10%) und nicht vom Umsatz eingefuehrt.

Die Einkommen- und Umsatzsteuer unterscheidet sich nicht wesentlich von den modernen Staatssteuern; in vielen Laendern

<sup>40</sup> Pinkes der Gemeinde Włodawa.

<sup>41</sup> Pinkes der Gemeinde Pinczow.

<sup>42</sup> *Regesty i Nadpisi* III, 2358.

<sup>43</sup> MGWJ 1907, 365.

<sup>44</sup> Brafman, *Kniga Kahala* Nr. 9.

<sup>45</sup> קרופקי מסשא ומתן oder קרופקי גדולה.

sind diese Steuern eingefuehrt, und auch der Hauptsatz — 10% vom Einkommen — ist haeufig als Grundprinzip angenommen. Nur sind heute gewisse Minimum-Einkommen steuerfrei. Ein Grundunterschied zwischen der Krupki- und den modernen Staatssteuern besteht darin, dass als Grundlage fuer die Steuer-  
auflage der Umsatzsteuer der Einkaufs- und nicht der Verkaufs-  
preis der Ware angesetzt wurde, wenn auch zuweilen, offenbar  
dies vorkam.<sup>46</sup>

Was die Hoehe der Steuern betrifft, so waren im allgemeinen  
mancherlei Unterschiede vorhanden, je nach Art der Beschaefti-  
gung, ihr Wesen etc. — wohl entsprechend dem daraus  
entspringenden Einkommen, uebernommenen Risiko etc. Aber  
auch diese Unterschiede variieren von Gemeinde zu Gemeinde.  
So z. B. wird in Sokołow und Tiktin unterschieden zwischen  
Engross- und Detailhandel, zwischen Einkauf gegen bares Geld  
und auf Rechnung, waehrend in Dubno und in Krakau ein solcher  
Unterschied nicht gemacht wurde. In manchen Orten wurden  
Kauf- und Verkauf in derselben Stadt anders bewertet als Handel  
nach auswaerts, Kauf gegen Bargeld anders als Tauschhandel  
gegen Waren etc. Ueber die Hoehe der Abgaben laesst sich in  
grossen Strichen folgende Tabelle<sup>47</sup> aufstellen:

<sup>46</sup> Vgl. Gessen in *Evrejskaja Starina* 1911, 317.

<sup>47</sup> Die Quellen fuer diese Tabellen sind:

Krakau: Balaban, *Dzieje Żydów w Krakowie* II S. 219 ff.

Wetstein, *Diwre Chefetz*, 58 ff. und handschriftliches Material aus den  
Gemeindebuechern.

Sokolow: Shatzky a. a. O.

Tiktin: Pinkes der Gemeinde Tiktin.

Dubno: Margoljes, *Dubno rabbati*. Warschau 1910, Levitats in Histor.  
Schriften des Yiwo II.

Pinczow: Pinkes der Gemeinde Pinczow.

Opatow: Balaban in *Kwartalnik poświęcony badaniu przeszłości Żydów  
w Polsce* 1912 I, 2 S. 45–46.

Witebsk: *Istorijskaja Evrejskago Naroda* XI, 153 Zum Vergleich sei erwaehnt,  
dass in Mattersdorf (1705) die Einkommensteuer (auch bei Geld-  
verleihen) 2%, die Umsatzsteuer 1% betrug. (*Jahrbuch fuer  
juedische Volkskunde* 1924–25 S. 521. Vergl. auch dort S. 569).  
Vgl. auch die Verordnungen ueber den "juedischen Berdon"  
in Kremsier vom Jahre 1689 (Frankl-Gruen, *Geschichte der Juden  
in Kremsier*, Breslau 1896 I, 60 ff.)

		<i>Einkommensteuer</i>	<i>Umsatzsteuer</i>
Krakau	1727	1/4% bis 4,4% (Geldverleiher 0,5%)	
	1771	3,3–10% (Geld- verleiher 3,3%, gegen Pfand 6,7%)	0,4%–1,7%, (Hausierer 3,3%)
Sokołów		10%	1,3%–2%
Tiktin		2,5%–3,3%	1/4%–1%
Dubno	1717	10%	1%
	1750, 1762	5%, 6,7%	0,6%
Pinczow	1740	6,7%; 10%; 13,3% (von Zinsen 20%)	1,6–3% (ausser einer speziellen Abgabe von der Wareneinheit)
Opatów	1665	6,6–9%	0,3–0,6%
Witebsk	1739	10% (Fuhrleute 5%)	0,4–0,7% (Kauf- leute, die Handel mit Riga treiben 6%)

In Posen wurden in der zweiten Haelfte des 17. Jhdts. anfangs 3%, spaeter 6% Umsatzsteuer erhoben;<sup>48</sup> in Kempen- 1685 anscheinend 10,5%,<sup>49</sup> in Rzeszów 0,8%; 1736 2%.<sup>50</sup>

Sowohl bei der Konsumptions- wie bei der Einkommensteuer wurden manche Erleichterungen und Reduktionen fuer gewisse Kategorien gewaehrt (So fuer Rabbiner, Gemeindediener, Thora-studierende, junge Leute waehrend der ersten Jahre nach der Verheiratung, Waisen etc.). Ermaessigungen bei der Konsumptionssteuer wurden gegeben, wenn man das Fleisch fuer eine Einladung oder Hochzeit benötigte. In all diesen Dingen traten

<sup>48</sup> Heppner-Herzberg, *ibid.* S. 47; Vgl. auch den Satz in Schwersenz, Kurnik u. a. (JQR XXIX, 160 ff.) und in Lissa (Lewin, *Geschichte d. Juden in Lissa* 1904 S. 104–5).

<sup>49</sup> Lewin in Dubnow-Festschrift, S. 131.

<sup>50</sup> Peckowski S. 373.



immer wieder Veraenderungen ein: Erleichterungen wurden ganz oder teilweise aufgehoben, haeufig dann spaeter wieder eingefuehrt oder geaendert.

Zu beachten ist ferner die sogen. Fremdenkrupki (אורחים (קרופקי)- Steuern, die von fremden, aus einem anderen Ort in die Stadt kommenden Kaufleuten erhoben wurden. Hierbei wurden bisweilen spezielle Massnahmen und Saetze angewandt. In der erwaehten Verordnung der litauischen Landessynode von 1650 ist auch die Erlaubnis gegeben, von Fremden die Krupkisteuer zu erheben, jedoch mit der Einschraenkung, dass diese nicht ueber  $\frac{1}{3}$  des normalen Satzes steigen darf. 1695 wurde geruegt, dass alle Gemeinden Krupki von Fremden erheben, und auf diese Weise sie im Handel stoeren, und es wird auf die fruehere Verordnung hingewiesen.<sup>51</sup> Manchmal hat man, wohl zum Zwecke der Foerderung des Handels, von Fremden keine Steuern erhoben, es sei denn, es waren Gegenmassnahmen, d. h. dass auch an den Orten, in denen die Fremden wohnten solche Steuern erhoben wurden.<sup>52</sup> Vielfach wurde diese Steuer auf ein Minimum festgesetzt, das ueberdies noch fuer einen speziellen Zweck (Arme, Kranke) bestimmt war. In anderen Orten wieder wurde fuer Fremde ein hoeherer Satz bestimmt. (So blieb z. B. in Rzeszow der Fremdensatz auf 2% stehen, als der allgemeine Satz auf 0,8% heruntergesetzt wurde.<sup>53</sup>)

*Steuereinnahmen.* Schwerer ist es, sich einen klaren Begriff zu machen ueber das tatsaechliche Einkommen, das die Gemeinden aus diesen Steuern hatten und ueber die Hoehe der Belastung des Einzelnen. Die Konsumptionssteuer wurde fast stets in Pacht gegeben, sodass wir bestenfalls wissen koennen, wieviel vom Paechter an die Gemeinde gezahlt wurde, kaum aber, wieviel er tatsaechlich eingenommen hat.<sup>54</sup> Die Einkommensteuer wurde

<sup>51</sup> *Pinkes Medinat Lita* §875; Vgl. Brafman, *Kniga Kahala* §15.

<sup>52</sup> So in Dubno 1778 mit der Berufung auf eine alte Verordnung (Margoljes 115, 118). Vgl. auch Wolf, *ibid.* S. 54 ueber Maehren.

<sup>53</sup> Peckowski S. 375. Vrgl. ueber die Fremdenkrupki (Pardon) in Kremsier nach der Verordnung von 1689 (Frankl-Gruen *ibid.* S. 61).

<sup>54</sup> Die Paechter gehoerten damals, wie auch in den spaeteren Zeiten zum Kreise der Gemeindevorsteher. In Dubno wird in den Jahren 1750, 1762 her-

seltener in Pacht gegeben, meist blieb sie in eigener Verwaltung der Gemeinde; aber sie hat, wie schon erwahnt, nicht immer viel eingebracht.

In Dubno war die Fleischsteuer 1763 fuer 53000 p. G. verpachtet, d. h., dass die Pachtsumme selbst (ohne das Verdienst der Paechter) etwa 21 p. G. pro Kopf im Jahre (im Jahre 1784 wohnten in Dubno 2525 Juden), also ueber 100 p. Gulden pro Familie (bei 5 Seelen) jaehrlich betrug. In dieser Epoche betrug in Sokolow das Gehalt des Rabbiners 200 p. G. jaehrlich und des Schuldieners 50 p. G.<sup>55</sup>

In Włodawa war die Fleischkorobka 1778 fuer 1300 p. Gulden auf 2 Jahre verpachtet, und 1791 fuer 2500 p. G. pro Jahr, d. h.: 1778 wurden 1 bzw. 2 p. G. pro Kopf gezahlt (Włodawa zaehlte in den 80er Jahren 493 juedische Seelen in der Stadt und 136 in den Doerfern) und 1791 4 p. Gulden pro Kopf (20 pro Familie) gezahlt. In Rzeszow brachte 1757 die Fleischkorobka etwa 3000 p. Gulden ein, d. h. 10 p. G. pro Familie.<sup>56</sup> In Biala brachte (1757) 3000 p. G. (3,7 pro Kopf, 18,5 pro Familie) und in Miedzyrzecze (1759/60) 2927 p. Gulden (3,18 pro Kopf, 18 pro Familie) ein.

In Posen ergab 1774 die Fleischkorobka 15000 p. Gulden, d. h. etwa 25 Gulden pro Familie (1793 zaehlte Posen 3021 Juden).<sup>57</sup> In Krakau brachte sie der Gemeinde, 1694 14000 p. Gulden, 1722 16120 p. G., 1733 brachte sie jedoch den Paechtern selbst nur 4940 p. G. im Jahre 1737/38 hingegen 12324 p. G.<sup>58</sup>

Ging somit eine ansehnliche Summe aus der Konsumptionssteuer in die Gemeindekasse ein, so war es mit der Einkommensteuer ganz anders bestellt; ihre Durchfuehrung ist, wie schon erwahnt, auf verschiedene Schwierigkeiten gestossen, die sie

vorgehoben "dass Paechter der Gemeindeunternehmungen wie Taxe und Waage" selbst von der Zahlung der Einkommensteuer frei sind, wenn sie nur 20% bezw. nur 25% verdienen. Daraus waere zu folgern, dass 20-25% das minimale Verdienst dieser Paechter waren.

<sup>55</sup> Shatzky *ibid.* S. 85 vgl. auch Balaban II, S. 208.

<sup>56</sup> Peckowski 379.

<sup>57</sup> Evr. Starina 1911 p. 550.

<sup>58</sup> Balaban II 214/16.

entweder ueberhaupt nicht aufkommen liessen, oder zu Modifikationen und Abaenderungen fuehrten, die nicht gerade zur Erhoehung der Einkuenfte beitrugen.

In Rzeszów schwankte die Summe, die die Gemeinde aus der Einkommensteuer erhielt: 1736: 12000 p. G., 1739: 4500 p. G., 1740: 6000 p. G., 1757: 7500 p. G. In Dubno wurde (1779), die Einkommensteuer zusammen mit den Steuern der juedischen Dorfbewohner fuer 20000 p. G. verpachtet waehrend die Pacht der Fleischkrupki, wie schon erwaehnt, 53000 p. G. einbrachte. In Biała und Miedzyrzecze brachte die Einkommensteuer 900 p. G., bzw. 1023 p. G. ein. (die Fleischkrupki 3225, bzw. 2927 p. G.). Nur in Posen, wo die Krupki die Hauptsteuer war, machte sie ueber die Haelfte aller Steuereingaenge aus.

Das *faktische* Einkommen hing allerdings nicht nur mit der Zahlung der Steuer sondern auch mit ihrer Verwaltung zusammen. Die Konsumptionssteuer war — wie gesagt — in der Regel verpachtet, wenn sie auch manchmal in eigener Verwaltung blieb. Dagegen wurde die Einkommensteuer meist von der Gemeinde selbst verwaltet.<sup>59</sup> Der Paechter war auch auf seinen Verdienst bedacht,<sup>60</sup> und sich bemuehte, die Eintreibung der Steuer rationell und gut zu organisieren. Uebrigens war ein solcher Paechter gleichsam der Kassierer der Gemeinde; die Zahlung verschiedener Ausgaben, (Steuern, Gehaelter etc.) wurden ihm uebertragen. Ebenso pflegte man die Einkuenfte aus der Krupkisteuer zu verpfaenden.<sup>61</sup>

In Dubno finden wir 1746 eine Verpfaendung fuer einen Glaebiger auf die Einkuenfte der Taxe und der Schechita;<sup>62</sup> 1793 wird bei Verpachtung der Konsumptionssteuer dem Paechter gleich bezeichnet welche Schulden, bzw. Zahlungen der Gemeinde er zu uebernehmen hat. In Litauen hat sogar die Landessynode 1697 beschlossen, dass alle Krupkieinnahmen der

<sup>59</sup> 1687 verbot sogar die litauische Landessynode die Krupkisteuer zu verpachten (*Pinkes Medinat Lita* §803).

<sup>60</sup> Ausnahmsweise verzichtete der Paechter auf ein solches.

<sup>61</sup> Bałaban, II, 215.

<sup>62</sup> Margoljes 56, 139 ff., 141.

Gemeinden fuer Bezahlung der allgemeinen Steuern des Kreises<sup>63</sup> verpfandend sind.

Die Einkuenfte der Korobkasteuer flossen aber nicht immer — direkt oder indirekt — in die Gemeindekasse. Wie es scheint, haben bisweilen Grundherren in ihren Staedten die Korobkasteuer oder einen grossen Teil aus deren Einkuenften fuer sich bestimmt, und sie als Abgabe, die auch die nichtjuedischen Staedter fuer das Recht Handel und Handwerk zu treiben zu entrichten hatten<sup>64</sup>, eingefuehrt. In den Bestimmungen ueber die Korobka in Sokolow (60er, 70er Jahre des 18. Jhrhdts.) wird hervorgehoben, dass "die Grundherrschaft die Korobka mitsamt ihren Einkuenften den Juden selbst zu Gunsten ihrer eigenen Interessen" abtritt.<sup>65</sup> In Rzeszów bekam die Grundherrschaft eine Pauschalsumme fuer die Krupkisteuer (Einkommensteuer) die ueber 70% des faktischen Einkommens aus dieser Steuer ausmachte.<sup>66</sup>

Aus spaeterer Zeit ist uns aus Schklow 1786 bekannt, dass die Juden — allerdings im Gegensatz zur offiziellen Stellung der Gemeindeverwaltung — sich an den Guttherrn mit dem Vorschlag wandten, die Einkuenfte der Krupkisteuer fuer sich zu nehmen, und sie dafuer von der Haeusersteuer zu befreien.<sup>67</sup> In allen grundherrschaftlichen Staedten war jedenfalls die Erlaubnis des Grundherren zur Einfuehrung der Steuer noetig, der auch die Steuersaetze festsetzte bzw. sanktionierte. Auch die Verpachtung bedurfte seiner Approbation.

<sup>63</sup> *Pinkes Medinat Lita* §908.

<sup>64</sup> Vergl. auch *Regesty i Nadpisi* II, 1560.

<sup>65</sup> Shatzky *ibid.* S. 84.

<sup>66</sup> Das gleiche Problem existierte in manchen Staedten zwischen den Grundherren und der Stadtverwaltung. In Rzeszów bekam die Stadtverwaltung vom Grundherrn (Lubomirski) 1730 das Recht, die Konsumptionssteuer (Gabella generalna) fuer sich zu verwenden. Aus den Akten scheint hervorzugehen, dass in frueheren Zeiten diese Steuer den Grundherren gehoerte. 1750 wurde angeordnet, dass die Stadt fuer dieses Recht die Gehaelter von einigen Beamten des Hofes in der Hoehe von 3750 p. G. zu zahlen hat. Dies entspricht durchaus den Massnahmen ueber die juedische Krupki; die Gemeinde bekam deren Einkuenfte, hatte aber dafuer fuer den Hof, gewisse Summen zu zahlen (Peckowski S. 145).

<sup>67</sup> Gessen *ibid.* S. 311. Ueber aehnliche Verhaeltnisse im 19. Jhrhd. vgl. *Ibid.* S. 324.

## II. ETATS JUDISCHER GEMINDEN IM 18. JAHRHUNDERT

Einen Einblick in die Finanzgebarung der Gemeinden koennen uns einige erhaltene, bzw. rekonstruierte Budgets der Gemeinden<sup>68</sup> gewaehren, wenn man auch von hier aus selbstverstaendlich nicht zu veralgemeinernden Schluessen kommen kann.

Die vorhandenen Nachrichten stammen — ausser Posen — aus Gemeinden in denen sowohl סכום wie Krupkisteuer erhoben wurden; danach laesst sich daraus kaum eine Folgerung auf das Einkommen der Krupkisteuer fuer jene Zeiten und jene Orte machen in denen diese die Hauptsteuer bildet.

Die unten erwaehten juedischen Gemeinden befanden sich, von Posen abgesehen, in Staedten, die in privatem Besitz von Grundherren waren, in denen die Lage der Juden und ihre Abgaben sich oft anders gestaltete als in den uebrigen Staedten. Insbesondere drueckte sich diese Verschiedenheit darin aus, dass sie spezielle Abgaben zu zahlen hatten, die fuer den Grundherren bestimmt waren. In Biala z. B. finden wir im 17. u. 18. Jht. eine Steuer die zur Deckung des Agio beim Wechseln des Geldes des Grundherren diente, 1749 eine solche (402 p. G.) fuer Ausbesserung der Zäune des Grundherren. In Posen wurde in den 70er Jahren von der General-Konfoederation eine Kommission eingesetzt die die Schulden der Gemeinde feststellen und ihre Finanzen kontrollieren sollte. Die von da ueberlieferten Zahlen scheinen nicht ganz lueckenlos zu sein.

<sup>68</sup> Allerdings stammen die Ziffern aus nichtjued. Archiven, d. h. sie sind Daten die die Juden der Grundherrschaft bzw. Stadtverwaltung oder Regierung mitgeteilt haben. Es besteht also die Moeglichkeit, dass im *innern* Betrieb einige Aenderungen vorgenommen wurden. Die Quellen fuer diese Budgets und Daten sind:

POSEN: Perles, MGWJ, 1865, S. 176;

WLODAWA: *Pinkes d. Gemeinde Wlodawa*, Ms. hebr. 4° 149 d. Nationalbibliothek Jerusalem;

BIALA: M. Haendel, "Bialer Kehila-Budget" (*Podlasjer Leben* v. 18/5/1934 Nr. 19);

MIĘDZYRZECZE: Ditto, "Bletlech zu d. Geschichte der Juden in Mezritsch" (*Podljascher Zeitung* 1932/33);

RZESZÓW: J. Pęcowski, *Dzieje miasta Rzeszowa do końca 18w.* Rzeszów 1913, 373 ff.





<i>Ausgaben</i>	1782/83	1783/84
Defizit von 1781/82.....	+123,3	
Manko <sup>70</sup> .....	842,27	451,25
Gemeindeausgaben.....	4,444,11	4,924,29
Saldo.....	180,8	256,06
	5,590,19	5,633,00

In den beiden erwachten Gemeinden haben wir es jeweils mit **einer** Art von Steuersystemen zu tun. Anders jedoch in den weiter gebrachten Budgets der anderen Gemeinden, in denen die Krupki neben der סכום-Steuer bestand.

Biała in Polesien gehoerte der bekannten polnischen Magnatenfamilie der Radziwill an. Im J. 1748 wohnten in der Stadt ca. 870 jued. Seelen die 258 Haushaltungen ausmachten (davon 109 Hausbesitzer und 149 Mieter).

Steuerzahler waren 214, von denen 167 die Vermoögens- (סכום) und Kopfsteuer zahlten, 93 die Haus- und 82 die Agio-Steuer.

<i>Einnahmen</i>	1748	abs.	%
Vermoögens- (סכום) und Kopfsteuer.....	3,133,11	31,2	
Häuser-Steuer.....	661 —	6,6	
Von den Paechtern in den Doerfern, die zu Biala gehoerten.....	603,22	6,0	
Einkommen-Steuer vom Handel (Vielleicht Umsatz-Steuer inbegriffen).....	900,—	9,0	
Krupki von Fleisch.....	3,225 —	32,2	
Agio-Steuer.....	230,22	2,3	
Einkuenfte vom relig. Bad.....	150 —	1,5	
Verschiedene (Strafgelder, von Pacht der Gemeindegrundstuecke).....	45,15	0,4	
Darlehen.....	1,079	10,8	
	10,028,10	100,0	

מ"ח הנ"ל עד א"ח הנ"ל עולה מאנשי קהלתנו אלף ושלי מאות ושמונה וחשעים זהו' ושבעה ועשרים גדולים. פאנלאווי מאנשי הכפרים מ"ח הנ"ל עד א"ח הנ"ל עולה לסך שני מאות ושנים וארבעים זהו' וששה עשר גדו'; צינוש מבעלי בתים אנשי הכפרים ארבעה ושלשים זהו' סך הכל חמשת אלפים וחמש מאות וחשעים זהו' חשעה עשר גדולים. ומסך הנ"ל היו פחתים עד יום הנ"ל שמונה מאות שנים וארבעים זהו' כ"ז גדולים; הוצאות הקהלה הן עפ"י קוויטן והן בלי קוויטן עולה לסך ארבעת אלפים וארבע מאות וארבעה וארבעים זהו' אחד עשר גדולים; מניע להרבני מהור"ג מ"ח תקמ"א לפ"ק עד א"ח תקמ"ב לפ"ק כפי הקוויט שהי' בידו מאלופי הקהל מאה ושלשה ועשרים [זהו'] ושלשה גדולים. ס"ה עולה הוצאות הקהלה עם פחתים ועם החוב של מהור"ג הנ"ל חמשת אלפים וארבעה מאות ועשרה זהו' י"א גדול, נמצא מניע מן מהור"ג הנ"ל "Pinkes der Gemeinde Włodawa). לאלופי הקהל סך מאה ושמונים זהו' ח"ג...".

<sup>70</sup> Anscheinend bei der Einziehung d. Steuern.

<i>Ausgaben</i>	abs.	%
Staatssteuern (Kopfsteuer 536 p. G., Häuser-Steuer).....	1,035,—	9,4
Fuer die Grundherrschaft <sup>71</sup> .....	2,609,18	23,6
Fuer die Geistlichkeit <sup>72</sup> .....	2,534,—	22,9
Geschenke f. den Hof u. d. Geistlichkeit <sup>73</sup>	364,25	3,3
Fuer die Stadtverwaltung.....	112,—	1,0
Fuer die jued. Angelegenheiten <sup>74</sup> .....	1,466,28	13,2
Schuldentilgung u. Zinsen.....	2,074,28	18,7
Verschiedenes und manko (342 p. G.)	870,28	7,9
	11,068,07	100,0

Auch Międzyrzecze (מעזריטש) und Rzeszów waren grundherrschaftl. Staedte und auch hier wurden von der Gemeinde Zahlungen fuer den Hof getätigt,<sup>1</sup> jedoch unterscheiden sich die beiden Staedte darin voneinander, dass in Międzyrzecze fuer die Grundherrschaft nur ganz kleine Summen gezahlt wurden (57 bzw. 243 p. G.), waehrend in Rzeszów 12,351, 18 p. G. zu zahlen waren. Hier wurden fuer verschiedene Monopole und fuer das Ausschankrecht beträchtliche Summen an die Grundherrschaft abgefuehrt, und selbst die Einkommenssteuer gehoerte zum groessten Teil dem Hof, der ueber 70% der Einnahmen aus dieser Steuer erhielt.

<sup>71</sup> Darunter die Abgabe fuer die Privilegien; 808 p. G. Schaden als Agio beim Wechseln des Geldes des Grundherrn (Die Juden waren verpflichtet das Geld des Grundherrn zu einem festen, von ihm bestimmten, Kurs anzunehmen, der sich von dem wirklichen unterschied), Fuhrgespanne fuer den Hof und zum Bau von Wegen und Bruecken, Ausgaben zwecks Verbesserung der Zaeune des Grundherrn (59 p. G.), Kerzen fuer die Hauptwache (60 p. G.) u. a.

<sup>72</sup> Darunter Abgaben fuer den Rektor der Akademie (Geistliche Schule) und fuer die Schueler dieser Anstalt (gewiss das sogen. שילרנעלט, damit die Schueler nicht die Juden ueberfallen sollen), Talg fuer die Kirche, fuer den Organisten der Kirche u. f. das christl. Altersheim.

<sup>73</sup> Die Geschenke waren groesstenteils in natura: Fleisch, Zucker, Ingver, Honig, Reis etc.

<sup>74</sup> Darunter Gehaelter fuer Rabbiner, Prediger, Diener, fuer Wohlfahrtspflege u. a. Das Gehalt des Rabbiners machte 366 p. G. aus (ausser Wohnung). Er bekam aber in diesem Jahr nur 166 p. G., im naechsten Jahr nur 93 p. G. Der Prediger bekam nur 53 p. G. ausbezahlt (sein Gehalt machte 156 p. G. aus). Im Ganzen wurden in diesen J. 969 p. G. fuer Gehaelter u. 234 p. G. fuer Wohlfahrtspflege ausgegeben.

## MIEDZYRZECZE

<i>Einnahmen</i>	1759/60 abs. %	1760/61 abs. %
Saldo v. vorigen Jahr.....	19- 0,3	
סכום-Steuer .....	954- 12,5	2,000- 23,1
Einkommen-u. Umsatzsteuer (taxe).....	1,023- 13,4	1,000- 11,5
Ausserdem von סכום u. taxe zusammen.....		470- 5,4
Vorschuss auf סכום u. taxe zusammen auf d. J. 1760/1761.....	162- 2,1	
Krupki v. Fleisch 1759/60.....	2,927- 38,5	2,282- 26,3
Krupki v. Fleisch Vorschuss auf d. J. 1760/61.....	1,140- 15,0	
Von der Gemeindewage u. Krupki-Abgabe der Fremden (אורחים קרופקי).....	608- 8,0	854- 9,9
Von den Paechtern u. Schankwirten in d. Doerfern.....	681- 8,9	684- 7,9
Einkommen v. Schlachten.....	96- 1,3	163- 1,9
Darlehen.....		1,215- 14,0
	7,610-100,0	8,668-100,0

<i>Ausgaben</i>	1759/60 abs. %	1760/61 abs. %
Staatssteuern (Steuer, Geschenke, Ein- quartierung).....	1,178- 15,5	980- 11,3
Fuer den Hof d. Grundherrn (Abgaben u. Geschenke).....	57- 0,8	243- 2,8
Geistlichkeit (Geschenke).....	358- 4,7	452- 5,2
Staedt. Abgaben.....	108- 1,4	486- 5,6
Gemeindeausgaben (Schueler, soz. Hilfe <sup>75</sup> , Gebaeude etc.).....	2,746- 36,1	2,768- 31,9
Schuldentilgung u. Zinsen.....	3,084- 40,5	3,493- 40,3
Verschiedenes.....	79- 1,0	46- 0,5
Saldo.....		200- 2,3
	7,610-100,0	8,668-100,0

<sup>75</sup> Bei den einzelnen Eintragungen fuer soziale Hilfe werden bezeichnet:  
Fuhrwerke fuer Arme (fuer die Reise in eine weitere Stadt) עצים על דגן לעניים, להקדש, לחם לעניים, לחיקון בית הקדש.

## RZESZÓW 1757

<i>Einnahmen</i>	abs.	%
סכום-Steuer (woertl. tygodniowe-Wochen- geld).....	15,600.—	47,9
Handelskrupki.....	7,000.—	21,5
Taksa.....	1,000.—	3,1
Krupki v. Fleisch.....	3,000.—	9,2
Schaechtssteuer (von denjenigen die ge- schlachtetes Fleisch in die Stadt brachten).....	520.—	1,6
Tabakmonopol.....	1,000.—	3,1
Ausschank-Abgaben (fuer das Ausschank- Recht).....	1,200.—	3,7
Kopfsteuer.....	1,200.—	3,7
Von den benachbarten Staedtdchen u. Doerfern.....	1,826.17	5,6
Verschiedenes.....	216.—	0,7
	<u>32,562.17</u>	<u>100</u>

<i>Ausgaben</i>	abs.	%
Staatssteuer (Kopfsteuer).....	1,200.—	6,3
Fuer den Hof <sup>76</sup> .....	12,351.18	64,9
Beisteuer zu den staedtischen Ausgaben..	745.22	3,9
Gemeindeausgaben (Gehaelter: Rabbiner 312,— Kantor 156,— Diener 104,— Kas- sierer 208,— Sekretaer 156,).....	936.—	4,9
Zinsenzahlung.....	3,710.—	19,5
Fuer die Kirche.....	84.—	0,5
	<u>19,027,10</u>	<u>100.—</u>

Wenn wir die Gesamtsumme der Einkuenfte der Gemeinden betrachten, so ergibt sich zunaechst, dass im Durchschnitt pro

<sup>76</sup> Nach einer Spezifikation vom J. 1732, bzw. 1736, zahlten die Juden f. d. Hof 16,736 p. G. in woechentl. Raten gemaess folgender Zusammenstellung:

Aus der Handelskrupki.....	5000.—	Fuer das Recht Gemein-
Vom Monopol d. Milchwaren	1800.—	dewahlen z. veranstalten
" Tabakmonopol.....	800.—	300.—
Fuer das Recht Branntwein		Statt der Scharwerk-
u. Met auszuschanken.....	1080.—	arbeiten.....
		1000.—
		Andere Abgaben.....
		5556.—

Person (abgesehen von dem Teil den die Doerfer zahlen) in Biała etwa 11 p. G., in Międzyrzecze und Włodawa 9 p. G. in Rzeszów 25, 5, in Posen etwa 13 p. G. Steuern bezahlt wurden (in Posen ist die Zahlung der jued. Dorfbewohner inbegriffen).<sup>77</sup>

Selbstverstaendlich kann ein solcher Durchschnitt pro Kopf nur zu Vergleichszwecken dienen. In der Praxis waren verschiedene Abstufungen vorhanden und dementsprechend sah die Belastung anders aus.

Von den 214 Steuerzahlern (etwa 83% aller Haushaltungen) in Biała zahlten 16 nichts und von den uebrigen etwa die Haelfte bis 15 p. G., das Minimum war weniger als 1 p. G. und das Maximum betrug 250 p. G.<sup>78</sup> In Rzeszow zahlten die Grundsteuer 250 Hausvaeter (81% aller), befreit waren 71 Personen. Der Durchschnitt betrug 1,5 p. G. woechentlich (78 p. G. jaehrlich), jedoch machte das Minimum 2 grosz (3,5 p. G. jaehrlich) und das Maximum 12,16 p. G. woechentl. aus (651 p. G. jaehrl.); allerdings fanden sich nur wenige solche hohe Steuerzahler.<sup>79</sup>

In Międzyrzecze betrug das Minimum 1 p. G. und das Maximum 70 p. G. jaehrlich beim סכום und 80 p. G. bei der Einkom-

<sup>77</sup> Biała zaehlte um diese Zeit 870 Juden, Włodawa (80er Jahre) 493 in der Stadt 136 in den Doerfern, Międzyrzecze (1765) 817 in d. Stadt, 259 in d. Doerfern, Posen 3021, Rzeszów 1202.

	p. G.	%			%
<sup>78</sup> 16 Zahlten	0	7,5%	8 zahlten	40- 50 p. G.	3,7
3 "	bis 1 p. G.	1,4	2 "	50- 60	0,9
33 "	1- 5	15,4	6 "	60- 70	2,8
53 "	5-10	24,8	1 "	70- 80	0,5
32 "	10-15	15,0	2 "	80- 90	0,9
21 "	15-20	9,8	2 "	100-150	0,9
23 "	20-30	10,7	1 "	150-200	0,5
10 "	30-40	4,7	1 "	200-250	0,5

<sup>79</sup> Nach Gruppen gerechnet zahlten: 90 bis 10 grosz, d. h. 17½ p. Guld. jaehrlich (36%) 94 bis 1 p. G., d. h. 52 p. G. jaehrl. (37,6%), 59 bis 6 p. G., d. h. 312 p. G. jaehrl. (23,6%) und 7 ueber 6 p. G. (2,8%).

mensteuer.<sup>80</sup> Die erstere Steuer bezahlten 151, die letztere 171.<sup>81</sup>

Aus Dubno ist fuer das Jahr 1792 eine Schaetzung der Konsumptions- und Einkommensteuer fuer  $\frac{1}{2}$  Jahr erhalten,<sup>82</sup> wobei das Minimum 6 p. G., das Maximum 280 p. G. ausmachte.<sup>83</sup>

Sowohl das Minimum wie das Maximum wechselt also von Gemeinde zu Gemeinde; jedoch haben fast alle die hier behandelten Gemeinden das eine gemeinsam, dass der groesste Teil der Steuerzahler nur kleine Summen der Gemeindekasse zufuehrten.

Wenn wir uns nunmehr den einzelnen Positionen der Einkuenfte zuwenden, so ersehen wir, dass mit Ausnahme von Rzeszów in den hier bezeichneten Gemeinden ueber  $\frac{1}{3}$  der Einkuenfte aus der Fleischkrupki stammten. (Bei Międzyrzecze muss fuer das J. 1760/61 die Summe hinzugerechnet werden die man im Vorjahre als Vorschuss bekommen hatte). Grosse Unterschiede bestehen in Bezug auf die סכום-Steuer und die Einkommensteuer. Abgesehen von Posen und Włodawa, in denen nur eine Sorte dieser Steuern existierte (Posen-Einkommen,

<sup>80</sup> Die Einkommensteuer scheint hier in diesen Jahren auf Grund von Schaetzung auferlegt worden zu sein.

81	סכום		Einkommensteuer	
	abs.	%	abs.	%
Von 1- 5 p. G.	108	71,5	127	74,3
" 5-10	18	11,8	24	14,0
" 10-15	9	6,0	6	3,5
" 15-20	5	3,3	4	2,3
" 20-30	3	2,0	4	2,3
" 30-40	4	2,7	2	1,2
" 40-70	4	2,7	—	—
" 40-80	—	—	4	2,3

<sup>82</sup> Margoljes S. 178 ff.

<sup>83</sup> Es zahlten

2	6- 8 p. G.	5	80 p. G.
4	10 "	1	91 "
15	12-20 "	1	122 "
12	22-30 "	2	136-140 p.G.
5	35-40 "	und je einer: 181, 221, 280 p. G.	
8	43-50 "		
5	53-60 "		
1	70 "		



Włodawa-סכום-Steuer) und dementsprechend nur diese Art Hauptsteuer war, sind in den uebrigen Gemeinden Variationen zu verzeichnen. In Rzeszów macht die סכום-Steuer etwa die Haelfte und die Handelskrupka ueber  $\frac{1}{5}$  aller Einnahmen aus, in Biała die erstere (incl. Kopfsteuer) ein knappes Drittel und die letztere ein knappes Zehntel, waehrend in Międzyrzecze die סכום-Steuer 12, 5% bzw. 23, 1% und die Einkommensteuer 13, 4%, bzw. 11, 4% bildete. In den kleineren Positionen sind Unterschiede innerhalb der erwaehten Gemeinden vorhanden; in Bezug auf die Zahlungen der benachbarten Doerfer, die zur Gemeinde gehoeren ist eine fast einheitliche Linie zu beobachten; im Durchschnitt macht dieser Teil etwa 6–8% des Budgets der Gemeinden aus.

Bei den Ausgaben ist zunaechst ein Unterschied zwischen Posen als koenigliche Stadt und den grundherrschaftl. Staedten zu bemerken. Dort machen die Staatssteuern ueber  $\frac{1}{4}$  und wenn man noch die Abgaben und Gehaelter fuer den Wojewoden und Unterwojewoden hinzurechnet,<sup>84</sup> die als Vertreter des Koenigs galten — etwa 42% aller Ausgaben aus, waehrend in den grundherrschaftl. Staedten die Abgaben fuer den Staat zwischen 6, 3–15, 5% variieren. Hier aber wiederum erhaelt die Grundherrschaft noch besondere Abgaben unter verschiedenen Titeln, die 64, 9% in Rzeszów und 23, 6% in Biała ausmachten; nur in Międzyrzecze stellen diese Ausgaben nur kleine Posten dar. Die staedtischen Abgaben bilden in allen hier erwaehten Gemeinden nur einige Prozent des Budgets. In allen diesen Gemeinden hatte man auch Zahlungen fuer die Kirche und Geistlichkeit zu leisten, sei es als Entgelt fuer Naturalleistungen, die man fuer sie auf Grund der Forderung der Grundherrschaft oder aus anderen Gruenden zu geben hatte, sei es als Geschenk oder Abgabe damit man vor Ueberfaellen seitens der Schueler geschuetzt war. Diese Abgaben machen einige Prozent des Budgets aus, mit Ausnahme von Biała wo sie etwa  $\frac{1}{4}$  ausmachten. Fuer juedische Zwecke wurde nicht viel ausgegeben. Man zahlte Gehaelter fuer Rabbiner, Schul-

<sup>84</sup> Ueber diese Gehaelter in Krakau vergl. Balaban II, 203.

diener etc.<sup>85</sup> und eine kleine Summe fuer soziale Hilfe.<sup>86</sup> Diese Ausgaben bildeten in Posen 19, 2%, in Rzeszów 4, 9%, in Biała 13, 2% des Budgets. Nur in Międzyrzecze werden dafuer 31, 9, bzw. 36, 1% des Budgets verausgabt.

In fast allen Etats befindet sich eine Position Zinszahlung bzw. Schuldentilgung und Zinszahlung, die in Rzeszów 19, 5%, in Biała 18, 7% und in Międzyrzecze sogar 40, 5%, bzw. 40, 3% des Gesamtbudgets ausmachte. Mit Ausnahme dieser Position bilden die uebrigen Positionen der Ausgaben gleichsam ein "normales" Budget und wir sehen, dass ein solch "normales" Budget ueberall gedeckt wurde und noch ein Ueberschuss vorhanden war. In Włodawa, wo die Gemeinde keine Schulden hatte, bzw. wo diese nicht in das normale Budget aufgenommen wurden, sehen wir, dass im J. 1781/82 ein Defizit von 123, 3 p. G. bestand, in den darauf folgenden Jahren jedoch ein Ueberschuss von 180, 8 p. G. bzw. 256, 6 p. G. erzielt wurde. In Biała, wo 2074 p. G. Schulden und Zinsen bezahlt wurden, bestand ein Defizit von 1079 p. G., zu dessen Tilgung ein Darlehen aufgenommen wurde, ebenso ein Rueckstand in Gehaltszahlung fuer die Rabbiner etc.<sup>87</sup> und in Międzyrzecze steht eine Schulden- und Zinszahlung von ueber 3000 p. G., einem Darlehen, bzw. Vorschuss von nur ueber 1000 p. G. gegenueber.

In Posen und Rzeszów haben wir einen Ueberschuss von 15,717 bzw. 13,535 p. G.<sup>88</sup> Allerdings betrug die Zinszahlung der Schulden der jued. Gemeinde in Posen, die durch die von der Generalkonfoederation bestimmte Kommission, welche auch die Finanzen der Gemeinde pruefte, festgesetzt wurde: 55, 601, 19 p. G. jaehrlich. In Rzeszów war die Gemeinde 71.816 p. G. schuldig. Die grosse Verschuldung der Gemeinden in Polen ruehrte also weniger aus Defiziten der normalen Budgets her — solche

<sup>85</sup> Auffallenderweise werden nirgends Ausgaben fuer Unterricht in den Budgets erwahnt. Vielleicht wurden diese aus anderen Quellen gedeckt.

<sup>86</sup> Die Ausgaben fuer soz. Hilfe wurden in manchen Gemeinden speziellen Quellen (Buechse etc.) entnommen.

<sup>87</sup> Man war mit der Gehaltszahlung um einige Hundert p. G. rueckstaendig.

<sup>88</sup> In Rzeszów war der Ueberschuss fuer Unterrichtszwecke, soz. Hilfe u. aussergewoehnliche Ausgaben bestimmt.

wurden also in der Regel durch Einnahmen gedeckt — sondern entstanden aus anormalen Ursachen: Kriege, Ueberfaelle, Verleumdung, Kontributionen, manchmal Misswirtschaft der Gemeindeverwaltung<sup>89</sup> und ihrer Organe bzw. Stoerung in der Eintreibung der Steuern infolge von Ungluecksfaellen oder Organisationsfehlern im Steuerapparat, inneren Streitigkeiten u. a. Da versuchte man das Steuerwesen umzubauen, abzuaendern, Steuerreformen einzufuehren, um wieder nach kurzer Zeit zum frueheren System zurueckzukehren, bzw. mehrere Systeme in eines zu verschmelzen.

### NACHTRAG

Der erste Teil dieser Arbeit wurde 1938 in *MGWJ* (S. 248–263) abgedruckt. Seit der Niederschrift dieses hier veroeffentlichten zweiten Teiles ist eine Monographie ueber Wilno erschienen (Israel Klausner, *Toledoth Hakehila Haivrith be-Wilna*, Teil 1, Wilno, 1938), in der auch Material ueber Steuerwesen abgedruckt ist (S. 156 ff.). Das Material buesst aber viel an Wert ein, da der Verf. kaum die verschiedenen Steuerarten zu identifizieren und unterscheiden imstande war. Die abgedruckten Bruchstuecke der Etats fuer die Jahre 1766–1793 bestaetigen im allgemeinen unsere Annahme, dass die "normalen" Gemeindeausgaben von den Einkuenften gedeckt wurden und dass die Defizite infolge "anormale" Ursachen entstanden sind. Auch in Wilno wurde ebenso wie in den obenerwaehnten Gemeinden fuer juedische Zwecke wenig ausgegeben: 6–7% fuer Gehaelter, 3–4% fuer soziale Hilfe.

Aehnlich finden wir in dem neuerdings veroeffentlichten Budget der Vierlaendersynode vom J. 1726 (Mahler in *Yiwo-Bletter*, XV, S. 63–68), dass fuer Gehaelter 6, 7% fuer soziale Hilfe und relig. Zwecke 3, 6% ausgegeben wurde.

New York City, July 1941

<sup>89</sup> Fuer die Jahre 1748 u. 1749 waren in Biala Preliminarbudgets aufgestellt worden, in denen den Einnahmen von 18434 p. G., Ausgaben in der Hoehe von 12,581, 26 gegenueberstanden. In der Praxis betrugen die Einnahmen um ein Kleines weniger (47 p. G.) als vorgesehen wurden, dagegen ueberstiegen die Ausgaben das Preliminar um fast 70% (Sie machten in den 2 Jahren 20,009, 4 p. G. aus).

## JOHN TOLAND AND JUDAISM

MAX WIENER, Hebrew Union College, Cincinnati, O.

THE attitude of English Puritanism toward Judaism and the Old Testament was, on the whole, sympathetic and friendly. But, in the thinking of the eighteenth century, particularly in Deism, this attitude became substantially altered. That "the idol of the Puritans was naturally the bugbear of the deists"<sup>1</sup> can hardly be gainsaid. Matthew Tindal, James Foster, Thomas Morgan, Thomas Paine, and the third Lord of Shaftesbury are the names with which this disparagement of Jewish origins can be associated, the critique which identified the entire history of religion with superstition, barbarity, depravity, and coarseness naturally using the Old Testament as an arsenal.<sup>2</sup> In this regard, there existed no discernible difference between those Englishmen and Voltaire.

John Toland, well known in the history of Deism for his book *Christianity not Mysterious* (1696), constitutes a notable exception. Claiming to be a follower of Locke, he assayed to interpret Christian dogma according to the principles of empiricism. Nor was he deterred by the fact that not only the orthodox theologians but even Locke himself deemed this insufferably radical.

Logical analysis, however, was only one of Toland's weapons. Another of his implements was historical research, and the philology of the Old and the New Testaments yet another. These were disciplines of which Toland expected the clearing of the path for a "rational" mode of approach. Among the non-theologians of his time, Toland was accordingly one of the first to subject the Biblical text to a thorough study. While Hebrew as well as Arabic may, at that period, have figured in the educa-

<sup>1</sup> Leslie Stephen, *History of English Thought in the Eighteenth Century*, IX, 24.

<sup>2</sup> Cf. these authors *ad loc.*

tional equipment of any gentleman of breeding,<sup>3</sup> Toland devoted to the linguistics of the Old Testament attention beyond the average. Toland was also well versed in Spinoza for whom he voices a profound respect, despite his vehement objections to Spinoza's metaphysics.<sup>4</sup> The *Tractatus Theologico-Politicus* which had been translated into English already in 1689 received his thorough study. He was likewise conversant with Richard Simon (*Histoire critique du Vieu Testament*, Paris 1678, English translation 1682) whom he often quotes, with grateful acknowledgement, as Father Simon. In short, all of Toland's writings reveal that, more than most deistic thinkers, he fathomed the depths of oriental and biblical scholarship which flourished so mightily about the year 1700.<sup>5</sup> That he pursues philological interests even apart from his deistic prepossessions, and is sufficiently at home in Old Testament exegesis to cope with certain special problems in that field we shall presently show.

His main concern, of course, is the meaning of Christianity; and it is this question that dominated his interest in Judaism as a problem in the field of the history of religion. But, since he always attempts to bolster his "rational" analysis of Church dogma by a criticism of Church tradition, a thorough discussion of the relation of Judaism to Christian origins could not be avoided. His main work *Christianity not Mysterious* uses Locke's theory of cognition to destroy as self-contradictory the orthodox claims of the unintelligibility or superrationality of Christian dogma. Some later historical essays attempt to give a picture of Christian origins, especially of the intentions of the Founder of Christianity and his personal disciples drawn from a critical view of patristic and later tradition. In this connection, he develops a theory of Judaism which is not only intended to clarify historically the relation between the faith of Jesus and the religion of Moses but whose further purpose it is to establish the con-

<sup>3</sup> About the study of Hebrew and all Oriental languages in the early 18th century, cf. John Locke, *Some Thoughts Concerning Education* (2nd ed. 1889), Introduction, p. xx.

<sup>4</sup> *Letters to Serena*, no. 4.

<sup>5</sup> Cf. I. C. Mossner, *Bishop Butler and the Age of Reason*, 1936, p. 45 ff.

nection between the two religions on the basis of mutual recognition and brotherly love.

Jewish law, according to Toland, is the core of the problem of the Christian-Jewish relation. Its meaning for Judaism and for emergent Christianity had to be determined. To this, in the main, are devoted the contents of his most important historical treatise *Nazarenus*.<sup>6</sup> While the material on which Toland focuses his attention clearly shows, at the same time, his dependence on Spinoza, his evaluations and conclusions differ widely. This English Deist appears to have held a rather peculiar middle position between the theory of the *Tractatus Theologico-Politicus* and Moses Mendelssohn's *Jerusalem*. We shall, therefore, speak briefly about our main points of interest in these two theories.

In the *Tractatus* Spinoza puts Mosaic-Rabbinical Judaism in opposition not so much to Christianity as to the belief and above all to the moral doctrine of Jesus. It is obvious that the theological metaphysics of the Church fitted his system no better and no worse than the Biblical and rabbinical belief in the personal and anthropomorphic Revealer of the Mosaic law. The language of Benedict Spinoza, while making extensive use of the terminology used by religions based on revelation (though often obscuring the sense) can hardly cover up the observation that the "voice of God,"<sup>7</sup> represented by Jesus, should be placed in the same stratum of reality as the voice which the children of Israel heard at Sinai, i. e., in the realm of myth. But no matter in what round-about way Spinoza may speak regarding the metaphysical being of Jesus, there can be no doubt that he prefers the ethical contents of Jesus' pronouncements to the Mosaic-Jewish Law. The reason for this lies in the fact that he regarded Jesus' word as a moral command directed to all men, while the Mosaic doctrine appears to him a typical expression of particularistic interests. Law for him is the essence of the Jewish religion. This is and always will be the political and social constitution of a definite people, i. e., the Israelites. The Law demands obedience; it has its rightful place and function within

<sup>6</sup> 1718, *Nazarenus, or Jewish, Gentile, and Mahometan Christianity*.

<sup>7</sup> *Tractatus theolog.-polit.*, c. 1, Gebhardt III, p. 17, 21.



a nation that, from barbarism and slavery, had to be led to the beginnings of moral conduct. It is revealed by Moses, speaking in the name of God, only to the People of the Book, and its existence is inextricably bound up with the life of this national group.<sup>8</sup> Thus the essence of Old Testament religion is comprised entirely in the Law. Only the Law and its educational function are important. The theological and metaphysical conceptions which were offered in connection with the revelation of the Law are immature and crude. They show that Judaism as a religion in no way points beyond its own confines. Spinoza admits historical development in the theory of religion no more than in his metaphysics. Judaism has for him, above all, a national character; its religious sources yield a political constitution which carries with it and aspires to carry with it no obligation beyond the national limits.

With this, a breach is made in the Church's conception of Judaism as the precursor of the final, true belief. Judaism also becomes stamped as the product of a true revelation. Spinoza who, either directly or through Pierre Bayle's *Historical and Critical Dictionary*, influenced the philosophy of history prevailing at the period of the enlightenment, contributed a great deal toward bringing about the rejection of the theological interpretation customarily accorded the people of the Old Testament. This corresponds directly with the tendency of that period to secularize history. In our particular case that meant the need of proving that the presumably unique thoughts and achievements of the people of the Bible had been anticipated among other nations either at an earlier time or in a more adequate manner. Voltaire<sup>9</sup> especially excelled in this art of transvaluation. Oriental peoples, Persians, Chinese, and later above all the Hindus thus contested the Jewish people's honor of having been the earliest adherents of a lofty ethical system.

Mendelssohn's *Jerusalem*, in principle, takes over Spinoza's view with regard to the position of the Law as the core of Judaism. But, remaining an orthodox Jew, Mendelssohn evaluates

<sup>8</sup> *Tract. theol.-polit.* c. 5, Gebhardt, p. 70 f.

<sup>9</sup> Cf. Emmerich, Hanna, *Das Judentum bei Voltaire* (Vol. VI der Romanischen Reihe der Sammlung *Sprache und Kultur der Germanisch-romanischen Völker*, 1930.)

the Law differently. In his writings, we find that characteristic tension between the doctrine of God and of rational morals as the one pole and the system of the ceremonies as the other. Religious or metaphysical truth, commonly accepted and based on reason, stands in antithesis to the religious Law. And only the members of the Jewish community are duty-bound to that law because infallible tradition had established it as the revealed expression of the divine will. And since, in Mendelssohn's theology, only the theoretical doctrines of religion are based on reason, the uniqueness of Judaism consists for him in the Mosaic-Rabbinical Law exclusively. The connection between law and rational religious doctrine is established by making the Jewish community the special, divinely appointed guardian of rational religion, educated for its task by that very Law.

Spinoza forms his opinions from a point of view which is beyond all positive belief. True religion coincides for him with his own metaphysics. Mendelssohn is an orthodox Jew and, at the same time, the herald of natural religion. He differs from Spinoza in acknowledging that the Law has the task and the power to secure practical functioning for rational religion which in the Torah is not taught as something new, but is rather presupposed.

The entire period of enlightenment held the opinion that Judaism was law, essentially a practical legal and social constitution for the Jewish community. Either expressly or not, Spinoza's opinion was adopted by everyone. A breakdown of the Law meant the loss of Judaism's right of existence. To the Christian disciples of Spinoza the worthlessness of the Law was an accepted fact, and for them, this seemed to argue against the planned emancipation of the Jews. Therefore, there could be no tolerance for Judaism, but only an integration of the Jewish individual into the social and political group. This is how we have to understand the motto which Count Clermont-Tonnerre formulated at the beginning of the French Revolution, namely, to grant nothing to the Jews as a group, but everything to individuals.

John Toland stands out in the history of the enlightenment by reason of his unique attitude toward Judaism and especially

toward the Law, which he characterizes as the core of Judaism. This thinker put his main emphasis on free religious thinking not hemmed in by dogmas. The uniqueness of his position, therefore, could be expressed as follows: Spinoza made his demand for freedom of thinking and teaching dependent upon the idea that, whatever was important for the conduct of life and of social behavior had to be based exclusively on ethical, rationally established laws. Toland rests his demand for tolerance on the historical proof that the three monotheistic religions, practically the only relevant ones, correspond to an original plan, which is clearly discernable in the New Testament.

Judaism for him is not outlived or rendered worthless or put aside by Christ, and much less by Paul. Islam is not a caricature of Jewish or of Christian thoughts but is linked with traditions reaching back to the time of Christ. Toland tries to show that an original plan of Christianity existed, which did not concede exclusive value to the religion newly revealed by Christ. Its purpose was to proselytize among the heathen, to convert them to a faith, free from irrational dogmas, containing naught but rational religion. Judaism was not to be molested, nor was the merit of its unique laws to be challenged. It is for this reason that the *Nazarenus* bears the subtitle *Nazarenus or Jewish, Gentile and Mahometan Christianity*.

The introduction anticipates the result of Toland's interpretation of the gospels. There are two forms of Christianity: the Jewish, which was not to be changed by the belief in Christ, and that of the Gentiles. For the appearance of Christ did not mean the dissolution of Judaism but rather the weaving of a bond between Jews and Gentiles, a link which meant "unity without uniformity."<sup>10</sup> The mystery revealed by Jesus, of which Paul speaks, is the true religious cognition — "fellowship in piety and virtue." Jews and Gentiles alike have to fulfill in Christ that "inward and spiritual virtue," which alone is belief. Belief is nothing but "internal participation of the divine nature, irradiating the soul; and eternally appearing in beneficence, justice, sanctity and those other virtues by which we resemble God."

<sup>10</sup> *Naz.*, V. cf. *Christianity not Mysteriorious*, pp. 72-74.

The Jews, however, no matter whether they confessed the belief in Christ or not, remain subject to those "civil and national rites" which have to be observed eternally in the Jewish Republic. They must not allow their obligations toward the Law to be nullified by forced and artificial allegories.<sup>11</sup> Toland promises here, as he does in other places, a special treatment of the Mosaic constitution, but he never went beyond the first beginnings.<sup>12</sup> His reflections on "antinomianism" grow out of his religious conception—"for as the body without the breath is dead, so faith without works is dead also; yea and by works man is justified and not by Faith."<sup>13</sup> For this reason he also rejects expressly Luther's polemics against the Epistle of James.<sup>14</sup>

For Toland in his role as polemicist and as historian of religion, it is important to prove that the three monotheistic religions are to be regarded as equals. The claims of the Church for the exclusiveness of Christianity are to be reduced *ad absurdum* by a correct conception of the New Testament sources themselves. One could characterize this attempt as the establishment of the rational truth underlying the three religions by recourse to the documents of the gospels. No one has doubted the connection between Judaism and Christianity. But for Toland's theory of the history of religion, it is no less important to show the link between Christianity and Islam. His thinking lays stress on proving that the dogmatic congelation of Christianity is not implied in its original sources, but is entirely due to the uncontrolled phantasy of the tradition which came subsequent to these original documents. The composition of the present canon of the New Testament is largely accidental. Of an abundance of equally valid old sources some were lost and others branded heretical by the dominant Church. It is not necessary to treat here in detail the evidence that led Toland to assume that there existed an old gospel, named after Barnabas,<sup>15</sup> the companion of Paul,

<sup>11</sup> *Naz.*, VIII; about the rejection of the allegorizing interpretation of the Bible cf. also *Christianity not Mysterious*, p. 2.

<sup>12</sup> Cf. below.

<sup>13</sup> *Naz.*, XIII.

<sup>14</sup> *Naz.*, XIV.

<sup>15</sup> *Naz.*, pp. 6-9.

mentioned quite frequently in the history of the Apostles, which was known to emerging Islam and served it somewhat as an authority. Toland is particularly anxious to make Islamic tradition itself profess the tendency to see its own religion tied up with Christianity and Judaism according to "God's Economy." There are supposed to be outlined six steps of religious development symbolized by the names Adam, Noah, Abraham, Moses, Jesus, and Mohammed.<sup>16</sup> These steps represent one and the same religion even though each succeeding step is superior to the preceding ones. Indeed, besides their Koran, the Mohammedans recognize as part of their canon the Pentateuch, the Psalms, and the Gospels. Quoting as his authority Adrian Reland's work *De Religione Mahomedina Libri Duo* and also Arabic writers, Toland avers that the references to the preceding religions found in the Koran are proof that a strong consciousness of the unity of the three religions is alive in Islam.<sup>17</sup> Perhaps the Mohammedans have in their possession still older documents and traditions which point to this pre-Koranic literature; for the abundance of the quotations, far exceeding those in the Koran hints at such a "gospel" as their source. Toland, in fact, offers the practical suggestion of having travellers in Islamic countries make this older literature accessible to European investigation.<sup>18</sup> He claims to have seen an Italian manuscript with Arabic marginals, which was called Barnabas' Gospel. It describes the life of Jesus quite differently from the other gospels. Mohammed is looked upon as the promised Paraclet while Jesus is considered only a human being. It also retains the Mohammedan tradition that someone other than Jesus was crucified. In Toland, the joy of the rationalist in a natural tradition which has no recourse to miracles outweighs the sane judgement of the historian. He finds the contents of this gospel much to his liking and, therefore, would want to put it on at least equal footing with those of the canon. At any rate, he wishes to draw from it the conclusion that there must have been other traditions which the unprejudiced critical scientist must consider.

<sup>16</sup> *Naz.*, pp. 9-11.

<sup>17</sup> *Naz.*, pp. 11-14.

<sup>18</sup> *Naz.*, Appendix, p. 14 ff.

The problem of the connection between Christianity and Islam and of the Barnabas Gospel was of considerable theoretical importance for Toland's historical investigation, because it undermined the claim of exclusiveness put forth by the official Church. But the elucidation of the relation between Judaism and Christianity was closer at hand and more important. From the beginning of Christian development, starting almost with Paul, the form taken by the religion of the Gospels was, according to Toland, a falsification of the obvious meaning of Christ and his most authoritative apostles. The perversion of the relation to Judaism which Jesus had intended nullified Christ's original plan. The meaning of Christian revelation is quite obvious to the scientist who investigates the Gospels soberly and without prejudice. There is unmistakable proof that the Ebionites or Nazarenes, i. e., the original and, at any rate, the first Christians, branded Paul as an apostate from the Law and rejected his letters.<sup>19</sup> They considered Jesus on his mother's and father's side only as a human being; the phrase "son of God" was for them only a term for a truly virtuous character. The continued observance of the Jewish Law was for them a matter of course. In the fourth century, Eusebius reports that even those among them who held that Jesus was born of a virgin through the Holy Ghost did nevertheless not believe in his divine nature.<sup>20</sup> It was on account of this apostasy that they were branded as heretics by the Church Fathers. As Jews and followers of the Law, they opposed Paul who despised the Law.<sup>21</sup> They looked upon him as an intruder into genuine Christianity who never knew Christ in person, and supplanted Jesus' true teaching with his own alleged revelations. Among the Jews who did not believe in Christ, the Nazarenes were called *minim* and were cursed three times daily in the prayers, because they were considered to be apostates from the pure faith. When the heathen Christians had established their own congregation, Jewish circles were at a loss regarding the Nazarenes and thus, at times, confounded them with the heathen. But Selden recognized the truth. He considered them

<sup>19</sup> *Naz.*, pp. 25-27.

<sup>20</sup> *Naz.*, p. 28.

<sup>21</sup> *Naz.*, p. 29.



to be the genuine original Christians, i. e., Jews who believed in Christ. Justly, therefore, Christianity appeared to him as nothing but reformed Judaism.<sup>22</sup>

Paul, moreover, never denied that the gospel which he preached was one which did not come directly from Jesus. He admitted having talked only to Peter and to Jacob, Jesus' brother, during a short visit to Jerusalem.<sup>23</sup> But he also claims that, at that time, an agreement had been reached between him and the two apostles to the effect that he was to preach the gospel among the Gentiles and they among the Jews. The Ebionites simply denied the existence of such an agreement. Be that as it may, Toland is convinced that the Nazarenes correctly grasped the original idea of Christianity. The purpose, as they conceived it, was "to set the original plan of Christianity in its proper light; the want of which made it a mystery to both Jew and Gentile, before the declaration of it by Jesus; but since that declaration it ceases to be longer a mystery to any, but to such as love darkness better than light . . ."<sup>24</sup>

The contrast between Paul and the Jewish leaders coincides with the contrast between a falsified Christianity and an original, genuine Christianity. The tradition of the Ebionites still preserves traces of their profound suspicion against Paul. According to Epiphanius, they had their own history of the Apostles which questioned whether this Paul of Tarsus had been a Jew at all.<sup>25</sup> There he is supposed to have become a convert to Judaism in order to marry the daughter of the High Priest and is supposed to have attacked the Law, when those hopes were frustrated. It is certain that he was in disfavor with the elders and with Jacob on account of his antinomianistic attitude. We can also see that, perturbed by their anger, he made occasional concessions, such as in the case of vows.<sup>26</sup> He finally admitted that the Law remained binding for the Jews. Only the heathen who had been converted to the belief in Christ were to be freed from the

<sup>22</sup> *Naz.*, p. 30.

<sup>23</sup> *Naz.*, p. 31.

<sup>24</sup> *Naz.*, p. 33.

<sup>25</sup> *Naz.*, p. 35.

<sup>26</sup> *Naz.*, p. 36.

Law. But even they had to submit to four particular restrictions taken from the Noachidic laws. They had to refrain from idolatry, from eating blood or the meat of animals that had suffocated, and from incest. From this we may conclude that, even according to Paul, genuine Christianity did not imply a break with Judaism. Toland quotes the interpretation of the contemporary orientalist James Rhenferd who explains 1 Cor. 7.17–20 in this sense. In what other manner could Paul have justified himself before the Ebionites?<sup>27</sup> Toland adds polemically that these statements are not new; they are simply the corroboration of the truth. They are “the old foundations.” Those theologians who are enamoured of their mistakes are, by this healthy criticism, robbed of the reasons by which they seek to justify the eternal war between the Jews and the heathen Christians.

What is the Jewish Law? The Ebionites and, with them, Jacob and the Elders, to whom the “levitical” laws were dear, saw in the Law a double meaning: it was national and political as well as religious and sacred. The Law is essential for their theocracy or “republic,” as becomes evident from that Torah itself. Toland quotes here many verses from Exodus and Deuteronomy. But this law of the *Torah*, according to its authoritative interpreter, Maimonides, lays no claim to being obligatory for anyone but the Israelites; it remains always “the inheritance of the congregation of Jacob.”<sup>28</sup> Proselytes may accept it; but non-Jews are not forced to live by it. The Jews were convinced of the eternal validity of the Law, including circumcision, Sabbath, and holidays. And when, as believers in Christ, they listened to Jesus, that conviction as to the eternal validity of the Mosaic code was confirmed. True, Jesus at times opposed excessive Pharisaic additions, but he never spoke against the Law as such. It is characteristic that Toland does not use derogatory terms against the Pharisees, and that he omits the New Testament criticism of the Rabbis in spite of his frequent quotations. The spearhead of his attack is directed not against Judaism, but against the Christian theologians whose falsifying interpretation, according

<sup>27</sup> *Naz.*, p. 38.

<sup>28</sup> *Naz.*, p. 39.

to his views, opened up a gap between the Jesus religion and Judaism.<sup>29</sup> Toland is convinced that Jesus, the apostles, and the Nazarenes were in complete agreement with regard to the Law. He emphasizes that internal evidence precludes all suspicion that the attitude of the early Christian authorities amounted only to a wise concession for a limited time. Rather he reiterates that Mosaic Judaism was regarded as valid for all times. The Law was not tolerated; it was looked upon as a command. "Toleration" is certainly both a human and a Christian duty and nobody ought to be annoyed over a speculative difference. Yet, he emphasizes that Jesus and his apostles had a conviction as to the eternal obligatoriness of the levitical law which differed widely from a mere forbearance that generously tolerates a dissenting opinion. Christianity understood the eternal validity of the Law quite literally and not merely as an obligation lasting only to the reign of Emperor Tiberius.<sup>30</sup> This thought is also expressed by Justin Martyr, though Justin says that the Jews received the Law because of the stubbornness of their hearts.<sup>31</sup> Toland, while acknowledging that Justin Martyr advocated a brotherly relation between Jews and heathen, opposes the idea that any blame should fall upon the heathen because of the Law observed by persons of Jewish birth.

The heathen Christians were not to be forced to observe the Law. But the above mentioned four Noachidic commandments, according to all Christian authorities, are obligatory for all converts. According to Toland, the observance of these precepts became necessary for the heathen Christians so as not to remove altogether the possibility of common meals between the old Christians and the new. The heathen Christians could no more be exempted from the Noachidic restrictions,<sup>32</sup> than could those who were born as Jews be freed from the obligation of observing the Law. The great *mysterium* of Paul consisted thus in adding to the recipients of God's pardoning grace those heathen converts by whom the levitical law was not observed. The Law is

<sup>29</sup> *Naz.*, p. 40.

<sup>30</sup> *Naz.*, p. 41.

<sup>31</sup> *Naz.*, p. 42.

<sup>32</sup> *Naz.*, p. 43.

not forced upon the heathen, although the obligation continues to rest upon the Jews. When Peter ate with the converted heathen Cornelius, it must have paralleled somewhat the situation of today when an orthodox Jew partakes of a meal with a Christian; that is to say the former abstained from forbidden foods. Thus the Mosaic republic could prosper well in Palestine. Whether its citizens were Christians or Jews, the only observance asked of the heathen Christians who lived on its soil was that they believe in the one God and keep the Noachidic laws. According to Toland, the Jewish Law did not ask for more from the "proselytes of justice."<sup>33</sup>

The second part of the treatise does not add anything essentially new, but it contains some details that are highly characteristic of Toland's attitude towards Judaism. The fact that the Noachidic laws were preserved for quite a long time in Christendom, and especially in the Eastern Church, proves that Christianity, even at a later period, did not break completely with its original idea, in spite of all dogmatic speculations and falsifications. Cardinal Humbert, writing in the eleventh century, points out that the eating of those restricted foods, except in the case of actual danger to one's life, was still strictly forbidden and had to be punished with a severe ecclesiastical penance. Great historic figures such as Hugo Grotius and G. J. Vossius and others are invoked to testify that the obligatory nature of the Noachidic laws had been acknowledged by the Church. Toland uses this testimony to attack the ignorance and carelessness of the theologians who pay so little attention to their established Christian duties.<sup>34</sup> And thus the practice of faithful Christians who eat birds that were caught in a snare cannot be justified.<sup>35</sup> There is no mistaking the ironical undertone of this remark. The enlightened "freethinker" certainly does not intend to introduce any, not even the Noachidic, dietary laws into the Christian religion of

<sup>33</sup> *Naz.*, p. 44.

<sup>34</sup> Cf. Spinoza's hostile interpretation of Maimonides' view of the *Zadike 'umot Ha'olam* (c. 5 Gebhardt, pp. 79-80). If there was in Christianity, up to very recent times, still a feeling for the validity of the Noachide laws, the reproach of the *Tract.* against Maimonides' alleged intolerance is invalid.

<sup>35</sup> *Naz.*, p. 47.

his time. But his irony serves him as a weapon which he turns against what he regards as a misleading interpretation of the history of religion. Christianity and Judaism or better, the religion of the Old and of the New Testament belong much closer to each other, according to his views, than the snobbery and exclusiveness of the hierarchy would grant. Therefore, he makes full use of the term Noachides and, in connection with Maimonides, discusses the distinction between "proselytes of justice" and "proselytes of the gate." To the latter, the Noachidic laws are obligatory only because they are considered as having been revealed. The Torah often stresses the fact that one law should apply to both the Israelite and the stranger. And the term "stranger" was understood to mean the Noachide and, according to the Jewish view,<sup>36</sup> we have to add to these the heathen Christians. Thus Paul in 1 Cor. 8.9, speaking to non-Jews, affirms his indifference toward the dietary laws, yet forbids heathen Christians to eat the meat of sacrificial animals.<sup>37</sup> Had the Church recognized that Christ's intention was not the destruction but the extension of Jewish teaching, Christianity would not, beginning with the time of the Church fathers, have suffered such irreparable damage. Nowhere was there a provision in the original plan of Jesus to rob the Jews of their position as "a chosen generation, a royal priesthood, a holy nation, a peculiar people." But the original mistake was made by the Church fathers who failed to understand the meaning of the Nazarenes, who did not recognize them as the original Christian community which observed the Law, and who saw in them nothing but outspoken heretics.<sup>38</sup> The Church Fathers sowed that infinite hatred between heathen Christians and Jews, though the Fathers owed to none but the Nazarenes the gospels and Christianity. This situation is all the more grievous since, in a man like Epiphanius, we can perceive a faint idea of the true state of affairs. No matter how intolerant or ignorant he may have been he, at least, knew that the Nazarenes differed from the Jews by their belief in Jesus, and from the Christians by their observance of the Law.

<sup>36</sup> *Naz.*, p. 49.

<sup>37</sup> *Naz.*, p. 50.

<sup>38</sup> *Naz.*, p. 51.

Nor does he state that the Nazarenes attempted to force the Law upon the heathen. What could history have been spared had this simple distinction between these two groups always been remembered! What strife and what intolerant prescriptions, such as the Apostolic Constitutions and the edicts of Constantine the Great, would have been unnecessary!

Toland is interested in showing that the separation of Christianity from the Law did not succeed completely, in spite of all the enmity and intolerance. The official Church was compelled to retain the Noachidic laws, though other laws, such as the sacrament of unction, attracting less attention, were added to Christian usage. Toland quotes the Talmud Yerush. where Simon ben Eleazar gives permission to Rabbi Meir to mix wine and oil on the Sabbath in order to heal a sick person.<sup>39</sup> This is also found in Yoma 77b. The apostle Jacob, for this reason, asks the Judeo-Christians to bring their sick to the church where the elders, amid prayers, would anoint them with oil so that the Lord might forgive their sins. This, apparently, is the origin of the Catholic sacrament of extreme unction (compare with this Mark 6.13). An obviously Jewish custom here has become a sacrament, but the sanctification of the Sabbath by the Nazarenes was accounted a terrible crime.<sup>40</sup> It happened, accordingly, that Jerome asked that the Nazarenes be excommunicated because they adulterated their Christian belief with Jewish customs. Intolerance and oppressive uniformity are thus ancient phenomena, ancient also are their effects, for this criminal treatment frightened the Jews away from Christianity. The vulgar practice won out over a clearer<sup>41</sup> theoretical insight. For example, Augustine had a correct conception of the origin of the Nazarene group, but he no longer dared to draw the necessary conclusions. For him Jewish customs had become such as are practiced only in the Synagogue of Satan. Contrary to all historical truth, this intolerant and hostile view gained the upper hand.<sup>42</sup> Only when one brushes aside this entire rubbish, can one understand what original Christianity had intended to do, namely, to make Juda-

<sup>39</sup> *Naz.*, p. 55.

<sup>40</sup> *Naz.*, p. 56.

<sup>41</sup> *Naz.*, p. 57.



ism accessible and useful for the heathen of the world, by abolishing the Jewish customs. This interpretation is further confirmed by the Christian traditions among the believers in Islam of a later epoch. These, as we have already seen, go back to an old gospel named after Barnabas. But if Peter, the Martyr (in the fourth part of his book *Common Places*) is correct in his opinion that Islam is a heretical Christian doctrine, then one ought to concede to the Mohammedans the same right as have other sects, i. e., to build mosques in Christian cities. It is obvious that Toland wanted tolerance extended not only to the Nazarenes, retrospectively as it were, but that he meant to include contemporary Jews as well. He clearly demanded for them social emancipation and equal treatment.<sup>42</sup> But within the framework of this treatise about the history of religion, he is chiefly interested in establishing their theological rights. For this reason, he combats tirelessly and repeatedly the anti-Semitism of the Church. We have seen that he intended to absolve even Paul of a radical hostility towards the Law. And thus he states aphoristically that Jacob, speaking to the Jews, demanded both belief and deeds while Paul, turning to the heathen, insisted only on the right belief.<sup>43</sup> When we read (Gal. 3.24-25; Col. 2.14) that the Law was to be our educator preparing us for Christ, and that its precepts were nullified and crucified on Jesus' cross, then these are valid only for the heathen and not for the Jews.

In one single instance only, a change in the Law is admitted: the sacrifices have lost their meaning. But even this is found to have been indicated in the Old Testament when the prophets Jeremiah, Ezekiel, Joel and the rest point out the secondary value of sacrifices.<sup>44</sup> For Toland, religion is "not mysterious" and thus he encounters no difficulty in claiming that even pre-Christian Judaism was belief, i. e., purely rational religion. The teachings of Jesus and his apostles coincide for him fully with the faith of the Old Testament. Their message to the Jews is merely a repetition of the old doctrine that true observance of the Law requires inner regeneration and belief. Likewise the Paulinian emphasis

<sup>42</sup> *Naz.*, pp. 58-61.

<sup>43</sup> Cf. below.

<sup>44</sup> *Naz.*, p. 63.

on belief contains nothing (Rom. 3.27-31) which would abolish any of the important values so dear to the Jews.<sup>45</sup> This, to speak simply and clearly, is the idea which original Christianity represented: to be the path for a unification of Jews and heathen and, at the same time, the means by which God's revelation might be brought into consonance with itself. "Justifying God himself against those who object the mutability of imperfection of giving one law at one time and another law at another time, whereas there is no such *abrogating* or *obrogating* according to the Original Plan of Christianity. The religion that was true yesterday is not false to-day; neither can it ever be false, if ever it was once true."<sup>46</sup>

We have to understand this statement in the light of Toland's general theory of religion. For him there are no unintelligible or supra-rational doctrines, no rightfully existing "mysteries."<sup>47</sup> This is true, he believes, particularly as regards the false conclusions which posterity drew from the Paulinian teaching about sin and forgiveness. Judaism, as Jesus found it, was "rational" like any natural religion, and therefore the best that Christ could do was to recognize its clarity and to teach it effectively. Because whatever might be added by way of reason would detract from it, never contribute to it. Toland uses the term "revelation" in an adaptive sense as did most of the enlightened thinkers, who were no longer orthodox and as did also Spinoza. God reveals himself to men in natural reason. This is not only generally valid for men but also completely sufficient. Characteristically, he cites here an author outside of the Jewish-Christian circle, namely Cicero, and his doctrine of the agreement of genuine law with generally functioning, healthy reason.<sup>48</sup> Following Whitchcot, Toland states that natural religion is eleven-twelfths of all religion. He does not tell us what the last twelfth might be, but it is not difficult to guess: it is everything that does not belong in a genuine faith.<sup>49</sup>

<sup>45</sup> *Naz.*, p. 64.

<sup>46</sup> *Naz.*, p. 65.

<sup>47</sup> *Naz.*, p. 65.

<sup>48</sup> Cf. to this as particularly important: *Christianity not Mysterior*, pp. 90-92.

<sup>49</sup> *Naz.*, p. 66.

Thus Toland approaches Mendelssohn's conception very closely. Judaism is a rational religion plus Mosaic Law. He even agrees with the Jewish sage's opinion that this law, as such, had nothing to do with religious doctrine, but that it existed because of special circumstances. According to Mendelssohn, the Law derives its authority and obligatory nature from the divine act of revelation. According to Toland, its authority rests upon the genius of Moses, the greatest of all lawgivers. Both thinkers can be understood only as the spiritual heirs of Spinoza who construed the Law as a separate entity alongside of a real belief or a peculiar view of the world. It is only as to the direction of interest that the two Jews and the Christian thinker differ. The one wishes to restore ancient Christianity, the others attempt to analyze Judaism. Essentially Toland's restoration of Christianity amounts not only to a radical and rationalist destruction of dogma as such but also to the elimination of antinomianism as a sentiment.<sup>50</sup> He regards scepticism about good deeds as meaningful because it elucidates the truth that no human being can earn merit before God, not even by good deeds. This, however, though appealing to natural religiosity, is nothing less than a mystery.<sup>51</sup> According to Toland Jesus did not teach anything new, but only repeated the old doctrines of Judaism. Therefore, Toland's reprimand directed against Jesus' Jewish contemporaries on the grounds that they did not acknowledge him as a prophet of their own religion, but opposed him, takes on a meaning entirely different from the reproach of stiff-neckedness and infidelity hurled against the Jews by the official Church. Yes, the blame is taken from the Jews and shifted to their obstinate priests who distorted the original law of Moses. That was how they came to withdraw themselves from the preaching of Jesus, their "spiritual lawgiver," and failed to recognize the wonderful economy which was incorporated in the plan of unification in Christ of heathen and Jews. Toland's theory prevents him from advocating the subsequent conversion of the Jews to Christianity, because for him union did not mean mixture. The

<sup>50</sup> *Naz.*, p. 67.

<sup>51</sup> *Naz.*, p. 69.

members of the Jewish tribe, even had they all become Nazarenes, were supposed to have retained their Mosaic Law and to have assured their existence by the observance of this Law. This was implied in the original plan of Christianity. And the fact of Jewish persistence down to the present only tended to corroborate the wisdom of this plan. But the theology of even the oldest Christianity, by not understanding the character of the Nazarene group, laid the foundation of a historical error of world-wide ramifications which progressively poisoned the relation between Jews and Christians.

In connection with his philological proofs Toland once more finds traces of some specifically Nazarene gospels in Irenaeus and Epiphanius, and even in Luke.<sup>52</sup> This ought to prove an incentive to scientific research to find the truth by reverting to the original sources. We accomplish naught by appealing to Apostolic successions and sacred traditions. In this respect one sect was justified as much as the other. Each had its tradition. The genuine gospel knows nothing of Jesus' intention to abolish the Law for the Jews or to subjugate it to clerical interpretation, "Therefore I say: to the Law and to the Testimony!"<sup>53</sup>

Upon this first part of the *Nazarenus*, Toland had a second one follow in the same year with the title "An account of an Irish Manuscript of the four Gospels."<sup>54</sup> Its contents stand in no relation to the topic of our discussion. But the tendency of the second part is the same as that of the first. The spectacle of the pre-Roman Catholic Christianity of the Irish people is to serve as an example of the simplicity and rationality of a religion not dimmed by dogmatic complications and theological speculations.

But Toland did not write the treatise about *res publica mosaica* which he had several times promised in the first part. Instead, he added an appendix to the *Nazarenus* whose part I interests us in this connection.<sup>55</sup> The Mosaic Law is praised as the most admirable form of a constitution which has, at any

<sup>52</sup> *Naz.*, p. 70/71.

<sup>53</sup> *Naz.*, pp. 79-84.

<sup>54</sup> *A summary of the ancient Irish Christianity, before the Papal Corruptions and Usurpations*, London, 1718.

■ *Two Problems Concerning the Jewish Nation and Religion.*

time, been in effect to assure the continued existence of a people. The two problems which apparently were supposed to have been treated in the treatise are (1) "The riddle of the persistence of the Jews to this day" and (2) "How it happened that the Jews so often were disloyal to their Law."

According to the spirit of the times, the Mosaic Law was compared with Plato's *Atlantis* and Thomas More's *Utopia*.<sup>56</sup> The Jews, dispersed over the entire world and always more hated than liked, have maintained their existence; the Egyptians, Babylonians, Greeks and Romans have vanished. This can only be explained by the effectiveness of their constitution or by Divine Providence or by a combination of both. We may assume that the proposed treatise would have emphasized the first factor. According to the sparse hints, we could have expected a political dissertation. Toland had apparently intended to compare the Mosaic theocracy with the theories of Plato, Aristotle and Cicero. Among contemporary phenomena, he might have considered the much admired republic of Venice, which at Toland's time was Europe's oldest state. From a quotation of Cicero and from the title, it appears that he felt the need to confirm the thesis that a people's existence was assured by a well ordered constitution.<sup>57</sup> For, though the Palestinian commonwealth of the Jews was destroyed, Toland considers their heirs in the diaspora as a separate group sharply differing from the others by their habits and religious customs. From all this, we can clearly see the connection with the theory of Spinoza. But Toland does not follow Spinoza's evaluation. For Spinoza, in his deprecatory and unfriendly manner, attributed to the Mosaic law merely the function of teaching a barbarian nation of slaves the most primitive concepts of order and self-restraint by conditioning them to strict discipline. Toland thinks much more highly of Mosaic Judaism. Mosaism contains for him, already as a religion, the eternal and unsurpassable principle of reason. As a law he esteems it much too highly to impute to it the pedagogical function of subjecting absolutely primitive human beings to the first formation of their will by more or less arbitrary statutes.

<sup>56</sup> Appendix, p. 3.

<sup>57</sup> Appendix, pp. 6-7.

For he sees in its success of securing the continued existence of that group the proof of Moses' admirable and eternal wisdom. It is true that in his polemics against Christian antinomianism, he refers again and again to those words of the Torah which are related to the eternal validity of the law of Israel, and which were never opposed by Christ and his immediate disciples. But the revelation of such a code of law was for him not quite as important as was the enduring intrinsic value which he attributed to it. His reference to it as a revelation betokens an adaptation to the thinking and to the manner of speech prevalent among his Christian orthodox opponents whom he attempts to strike with their own weapons.

His abiding intention is to prove the permanent historical right of Judaism to exist side by side with Christianity. Consistent with this point of view is his active participation in the affairs of contemporary Jews. Occasionally he hints at the fact that he counted some Jews among his personal acquaintances and friends, and in a special essay he advocated the emancipation of the Jews. The title of the essay is: "Reason for Naturalizing the Jews in Great-Britain and Ireland, on the same foot with all other Nations. Containing also, a Defense of the Jews against all vulgar Prejudices in all Countries." (1714).<sup>58</sup>

The *Nazarenus*, whose importance E. C. Mossner has pointed out recently,<sup>59</sup> has to be understood as an attempt on the part of Deism to view the monotheistic religions as a historic unit. By means of historical research, Christian orthodoxy is here denied its claim of exclusiveness. Toland replaces super-rational revelation, which for him carries no longer any authority, with the economy of world history. Its effects, however, according to the opinion of these thinkers of the period of enlightenment, are constantly blocked by the stupidity and the selfishness of priests and theologians. In Toland more than in other thinkers of his time, it appears that the history of religion has its meaning in the universalism established with the help of rationality in

<sup>58</sup> The motives of this essay are Toland's mercantilism and his hatred of the clergy. Max Vogelstein called my attention to these tendencies.

<sup>59</sup> "Bishop Butler," p. 66.



religion, while retaining the multiplicity of the religious groups. In this plan Judaism has a place.

With this tendency, a second one is closely bound up. If history, by intelligible means, strives towards an intelligible goal, there can be no break in the natural rules of becoming; hence there is no place for miracles. *Christianity not Mysterious* attempted to shed light upon the darkness of Christian "mysteries," which meant for Toland that they should be replaced by ethical reasoning. In this approach to the Old Testament Toland is not so much interested in unintelligible doctrines of faith as he is in the extraordinary natural phenomenon regarded as miraculous. His essay *Hodegus or the Pillar of Cloud and Fire that guided the Israelites, not mysterious* (London 1720) is an example of such rationalistic exegesis. Toland's presentation becomes a pattern for that rationalistic interpretation of the Bible that was so popular among the mass of those who had lost their belief. The old documents are not interpreted according to the content that they intended to convey — with due consideration for the influence exercised by myth-forming phantasy, by the genesis of legends, and by the peculiarities of tradition. Little attention was paid to the origin of the document and to its historical and psychological setting and circumstances. All of these are rather presupposed and taken for granted, and one deletes from them only what is contradictory to "reason," i. e., the miracles. But Toland judges correctly when he says: "but nothing has so much contributed to create an aversion in general spirits against the study of the Old Testament, as a persuasion taken up implicitly from their childhood, that it is throughout a scene of Incomprehensibles, and a complete system of Miracles."<sup>60</sup> Toland himself does not claim that all of the miracles of the Old Testament represent themselves as natural phenomena, perceived as such under a rationalistic interpretation. But he thinks nevertheless that more than two thirds of the apparent miracles of the Old Testament were not meant as such by their authors. This attempt to diminish the number of miracles is indeed characteristic of this type of exegesis. Then one hopes to do away

<sup>60</sup> *Hod.*, p. 5.

somehow with the remaining few. Toland in contrast to Spinoza, who preceded him, and Voltaire, who came afterwards, attempts to ascribe to Scripture's personalities an important place in the history of the human genius, though he is quite ready to divest Scripture of its supernatural character. There is still no trace of the esthetic approach to the Bible.

*Hodegus* is much inferior to the *Nazarenus*. In the *Hodegus* Toland attempts to prove that the pillar of fire and cloud, which guided the Israelites on their journey through the desert, was not really a miracle but only a very useful device. They were "machines of mere human contrivance, ambulatory beacons."<sup>61</sup> The details are curious but of little historical interest. It is of greater importance that, with great effort and scholarly toil, Toland uses the proof by historical analogy, adopted later on by Voltaire and other critics of religion. From reports found in Silius Italicus, Lucanus, Plinius, Quintus Curtius, one can presumably conclude that Alexander the Great and Hannibal, in their marches across desert lands, also used portable signs of fire and smoke.<sup>62</sup> Moses is supposed to have done exactly the same. These fire signs were lit "on the top of the Tabernacle." For the travels of the people were determined according to the Tabernacle's position. Toland believes himself able to detect a particularly close resemblance between the Biblical account and the reports about the expeditions of Alexander the Great, as found in Curtius.<sup>63</sup> It is to be assumed that Alexander learned this method from the Persians who, as Herodotus relates, had used such signals for many centuries. Thus we may also surmise that it was no accident that the methods and technique of marching which the Jews employed in the desert were very similar to those of the Persians. Toland seems to assume that the report of the journey in the desert originated in a period when such contact between the Jews and the Persians had long been established. In fact, he thinks he has found yet further analogies between the religion of Moses and that of the Persians. His proofs are perhaps superficial even for his time. But his main interest

<sup>61</sup> *Hod.*, p. 7.

<sup>62</sup> *Hod.*, p. 8-15.

<sup>63</sup> *Hod.*, p. 17-18.

is, by means of his analogies, to shatter the belief in the miraculous character and in the uniqueness of Biblical history.

In this approach, too, Toland stands under the influence of Spinoza. Spinoza spoke of the difference between direct and indirect effects emanating from God.<sup>64</sup> Toland apparently follows this suggestion in his interpretation of the words: "according to the commandment of the Lord by the hand of Moses," "which irresistibly evinces that what Moses ordered as Jehova's Deputy, Prime Minister and General, he said to be commanded by the Lord himself."<sup>65</sup> According to Toland it is only the manner of speech of the Pentateuch that makes the movement of the pillar of fire and cloud appear as a divine miracle, while in reality they were effectuated by human hands.

The problem of the language of the Bible offers occasion to open the discussion of literary composition in a connection that appears to us rather strange. According to Toland, many misunderstandings, especially those arising from reports of supposed miracles, could easily be corrected were we in the possession of the original history of the Jewish people, excerpts of which we have in the form of the Pentateuch and the other historical books. Toland bases his opinion upon the findings of the Orientalist scholar Triglandius who thought he had found the original comprehensive history of the Jewish people in the *Sefer Hayashar* which, according to his view, the Pentateuch and the books of Joshua and Judges had used as their source. The brevity of expression employed by the biblical authors was supposed to have been the cause of many confusions.

Among these confusing statements belong several of the details told of the ark of the covenant.<sup>66</sup> At times it appears as if the ark had moved of itself, in a miraculous fashion, though we are taught in other places that it was carried by men.<sup>67</sup> When we read that God preceded the train of the Israelites, that meant that the ark of the covenant was carried before them. The ark of the covenant, the pillar of fire and of cloud are closely con-

<sup>64</sup> Spinoza, *Theolog.-Polit. Tract.*, c. 6, Gebh. p. 86 ff.

<sup>65</sup> *Hod.*, pp. 21-23, 24.

<sup>66</sup> *Hod.*, p. 25.

<sup>67</sup> *Hod.*, p. 26.

nected with each other and can be explained in a very natural manner.<sup>68</sup> The same is true of the angel of the Lord who walked before or interposed himself between the army of the Egyptians and the hosts of the Israelites (Ex. 14, 19, 20).<sup>69</sup> There is no end to the efforts that theologians expend on the interpretation of this angel. Some wished to see in him no less a person than Jesus himself. In reality, however, he was nothing but a mortal human being, i. e., that person who was in charge of the fire and smoke signals. He was therefore nothing but a very clever strategist. Similarly, we can understand many other Biblical stories which the later writers of the Biblical canon — cf. e. g., Neh. 9 — and especially the theologians and the dogmatists fashioned into great miracles. Toland regrets that such a profound scholar as Manasseh ben Israel should be numbered among the believers in miracles.<sup>70</sup>

But this is essential to the development of the history of religion. Once the cloud had become a miracle, the door was opened to further speculations. Thus the cloud that covered the Tabernacle was linked with the one covering Mount Sinai.<sup>71</sup> It was in a cloud that God met the High Priest. Solomon states that God wishes to live in impenetrable darkness, and thus the cloud was localized between the two cherubim in the Holy of Holies.<sup>72</sup> Toland runs through the books of the prophets and the Psalms to show the various developments which the picture of the cloud had to undergo.<sup>73</sup> Among the Rabbis and Church Fathers, the interpretation of the cloud becomes increasingly phantastic. Finally the Jews arrived at the belief that, at the time of the coming of the Messiah, clouds would rise from the four corners of the earth and travel towards the Holy Land.<sup>74</sup> The rationalistic thinker, Toland, cannot suppress an ironical remark. But very characteristically, as regards his attitude toward his Jewish contemporaries, he states that he, in no wise,

<sup>68</sup> *Hod.*, p. 28.

<sup>69</sup> *Hod.*, p. 29.

<sup>70</sup> *Hod.*, p. 33.

<sup>71</sup> *Hod.*, p. 34.

<sup>72</sup> *Hod.*, p. 35.

<sup>73</sup> *Hod.*, p. 38 ff.

<sup>74</sup> *Hod.*, p. 42.

dislikes their company, because they are useful citizens, and some are his very good friends.<sup>75</sup>

Toland composed all of his essays somewhat loosely. Accordingly he adds some miscellaneous exegetical remarks to the main content of his treatise. These remarks have no connection with his theme, but they deserve mention as samples of his "enlightened" approach to the Bible. He thinks that the Biblical exegetes could have saved themselves much trouble had they paid more attention to the original meaning of the word *mal'ak*.<sup>76</sup> He claims that it can be proved philologically that the term does not connote a supernatural being. This contention is strengthened by the name of the prophet Malachi. The frequent mention of the term "the angel of the Lord" is due to the terminology of the theocratic system. This becomes evident particularly in the passage in the Book of Judges, ch. 2.1 ff. *Mal'ak* is the human guide, the messenger of God, because God himself is the king.<sup>77</sup> Again, as Spinoza points out, the confusion was due to the fact that the distinction between primary and secondary causes was not recognized.

Toland believes himself able to prove that this angel or messenger on the journey through the desert was none other than Moses' brother-in-law Hobab. He undertakes to solve the confusion of the three names Hobab, Jethro, and Raguel by making Raguel the grand-father, Jethro the father, and Hobab the son. For this interpretation, he resorts to some conjectures and to some transposition of verses.<sup>78</sup>

The last addendum is devoted to the history of the tribe of the Kenites of which Hobab was the head. Toland makes a distinction between these Midianitic Kenites and the Canaanitic tribe of the same name, mentioned in Gen. 15.19, and follows the development up to Jonadab, the son of Rechab. The Midianite group was supposed to have been a separate clan which joined the Israelites during the journey through the desert and maintained a special loyalty towards the Israelitic law.<sup>79</sup>

<sup>75</sup> *Hod.*, p. 43.

<sup>76</sup> *Hod.*, pp. 46-48.

<sup>77</sup> *Hod.*, pp. 49-51.

<sup>78</sup> *Hod.*, pp. 53-56.

<sup>79</sup> *Hod.*, pp. 57-60.

Though these remarks may not be able to withstand the penetrating criticism of further investigation they are, nevertheless, of interest for the history of Old Testament exegesis. For, valid or not, they show how the door of scientific investigation as applied to the documents of Judaism and Christianity was gradually opened and the way prepared for an approach which had freed itself of all dogmatic encumbrances. Toland lacked that depth of thought, and especially that restraint and objectivity which are necessary for the solution of these philological problems. After all, none of these critical thinkers, not even Spinoza, dealt with these studies of the text of the Bible and the history of religion for the sake of their intrinsic value. They used them rather as a means to an end. They sought to establish through them their fundamental, preconceived religious or philosophical idea, namely, that the written word which claimed to be the result of a revelation had to prove itself true before "reason." This led to the practical consequence that a good deal of the traditional interpretations of the Old and New Testament had to be rejected because they led to "irrational" conclusions. Bible criticism meant, in this case, that the Biblical doctrines and stories had to legitimate themselves as consonant with rational religion and ethics.<sup>80</sup>

To this general scheme of Biblical science in the period of enlightenment, Toland's attitude toward Judaism adds a special coloration. His main essay *Christianity not Mysterior* robs the Church dogmas of their irrational and super-rational meaning and accepts the New Testament only in so far as it contains rational religion. Thus he paves the way for his particular view of Judaism. Together with Spinoza, he looks at the Law as the characteristic feature of Judaism. But this does not transform Judaism for him into a lower form of belief which had not yet reached the level of reason. Unfettered by Church dogma he refuses to see in Judaism the precursor of Christianity, with Judaism yielding its place to the new faith, as had been taught by the Church. Together with Mendelssohn, he holds that Judaism received its character from the Law, the "revealed Law" of

<sup>80</sup> Cf. Cassierer, E. *Philosophie der Aufklärung*, p. 244 f.



Mendelssohn. But while Mendelssohn teaches that the *Torah* did not intend to give expression to rational belief, because it presupposes such belief, Toland held that Judaism, as taught by the *Torah*, was the historical expression of rational religious theory. Within Judaism, this meant rational religion plus the Law which, according to the testimony of the gospels, is eternally binding for the Jews. Christianity is nothing but Judaism without the specific ritual Law. This Law retained its full validity for the Jews even after the appearance of Christ, except for certain limitations with regard to sacrifices. It assured the continued existence of the Jews and shall, according to the opinion of Spinoza, continue in that function.

According to the "economy of the gospels" this continued existence did not mean that a Church, which claimed to be the sole possessor of the whole truth, should shine the brighter against the dark background of the Synagogue. On the contrary, the Jewish faith is equal to the Christian, and there is no higher authority which can permit the Jews to give up their religion. True tolerance opposes any type of enforced uniformity. Historically seen, Christ does not appear as the founder of a new religion, but rather as the link between Judaism and the heathen. It is therefore a complete perversion of the truth to interpret his appearance and his message to mean that Judaism, as contrasted with Christianity, was outmoded.

## ADDITIONS AND CORRECTIONS

MICHAEL WILENSKY, Cincinnati, Ohio

### I

"ABOUT MANUSCRIPTS" (*HUCA* XII-XIII, p. 559).

לעת עתה THE MEANING OF

MY statement (*loc. cit.*) that the residence of נפתלי הירש ש"ץ, the scribe of the Psalms-MS. (HUC Library, No. 20) in Prague, where he wrote it in 1719, was only a *temporary* one, has been based on the expression לעת עתה used twice by him, on the title-page and in the colophon of the MS.: ... נפתלי הירש ש"ץ משידלוב לעת עתה בק"ק פראג (see *ib.* p. 568). The significance of the expression did not arouse the slightest doubt in me: it is often used in this sense in Hebrew as well as in Yiddish.<sup>1</sup> Moreover, this meaning, and only this, is given to it in the following dictionaries: the Russian-Hebrew by A. Kahana (Kiev, 1919), the German-Hebrew by Laser-Torczyner (Berlin 1927, where "vorläufig" is rendered by it) and A. Harkavy's "Yiddish-English-Hebrew Dictionary" (second edition, New York, 1928, where the expression is translated by "for the present").

<sup>1</sup> That I might not seem entirely without grounds for this claim, I shall illustrate, by random examples taken from Hebrew literature, that the expression occurs with this meaning. Examples are all the more appropriate because they are not to be found in the place where one would expect them (*Infra* p. 244).

Leon of Modena (1571-1648) writes: לא אוכל לארוך (!) עוד (כתבי הרב יהודה אריה ממורינו, ed. Blau, 1907, epistle 48). Aḥad Ha'am and Bialik made wide use of it. The first in his *אגרות*, e. g. vol. 1, p. ר' 6, 9, and 16; the latter also in his *אגרות*, e. g. epistles: 33, 36, 43, 49, 56, 60, 61, and 70. The fact that both of them wrote the word not fully but by abbreviation, לע"ע, can serve as evidence for the great frequency of its use.

Dr. A. Freimann (in a letter dated Frankfort-on-the-Main, March 21, 1938) kindly drew my attention to the fact that the epitaph of our scribe was published by A. Hock in his "Die Familien Prags" etc. (under שידלאב etc. No. 11258) among other epitaphs of Prague's Jewish Cemetery. From this epitaph we learn that our scribe died in Prague, in 1734, i. e. fifteen years after the MS. was written, still holding both offices indicated in it, namely: cantor of two synagogues (see my article in question, p. 568).<sup>2</sup> This fact shows not only that the scribe did not move to another town any more, but also almost with certainty, that when writing the above mentioned sentence he had already decided to remain in Prague. One must cast about for another meaning of לעעת עתה.

The appearance of the ninth volume of Ben-Jehuda's *Thesaurus* did not furnish the expected enlightenment. We read there (under עת, p. 4780b): לעעת עתה — לעעת הזאת, עכשיו. בינתיים, רגיל בדבור ובספרות החדשה. Apart from the meaning "mean-while" which does not concern us here (Gorssman, however, has only this meaning in his *Hebrew-English Dictionary*, 1938), Ben-Jehuda gives only the meaning "now" for it, and though he tells us that the use of the expression is a frequent one in speech as well as in the modern literature he, contrary to his practice, quotes no examples from which we could receive a clear conception of its meaning. "Now," it is true, includes also "for the present time," but they are not equivalent. Let us explain this by an example. Abraham Segre, rabbi at Casale (known as Rab Asi), writes in a letter dated 1719 (published in the responsa שמש צדקה by Solomon Morpurgo, section חשן משפט, p. 30r, col.2) about Gabriel Pontremoli: הדר לע"ע בעיר טורינו. Had לע"ע meant simply "now," Segre himself at the close of this letter

<sup>2</sup> It is curious that our scribe called himself (see above), and was also designated by others, not scribe but cantor. On his own epitaph as well as on those of his wife and daughter, published by Hock, l. c., he is cantor *only*, not scribe, although his son-in-law, the husband of his deceased daughter, is designated on her epitaph as: חזן וסופר סתם. Perhaps only the writing of rolls and the like, though not very lucrative, was considered a vocation. It is also noticeable that his daughter died Ab 16, 5479, i. e. just six days before the purchase of the MS. took place (see the entry in my article p. 569: במחם ... בך).

would also have written: **לע"ע בקסאלי**; in fact he wrote: **חותם פה קסאלי**. He did not use **לע"ע** regarding himself because he was apparently a native of Casale or had grown up there (we have no information about any other whereabouts of him, *prior* to Casale). Turin, on the contrary, was not the first residence of Pontremoli; he moved there to become rabbi after he had served as head of a Yeshibah in Casale. (In the work **חושב עיר**; **מלחמה לה' וחרב לה'**, p. 20r, Pontremoli named himself: **קסאלי**; **לשעבר ומשרת לק"ק טורינו** **להוה** Solomon Abi'ad Sar Shalom Basila in his **אמנות חכמים** (Mantua, 1730, f. 12r) writes: **וכמהר"ר גבריאל פונטרימולי ראש ישיבת קסאלי** (הקשה לי).

We have thus to assume that **לעת עתה** means not simply "now" but a "now" *contrasted with another time*, either with the *future*, when the expression means "temporarily," or with the *past*, and then it means "*and now*." This is the case in the MS. and in Segre's letter: the writers were previously in one place and moved to another.

We are seldom able to determine which of the two meanings attaches to the expression **הדר לעת עתה** and the like in a given passage, for the circumstances of the persons concerned are mostly unknown to us (that is the case e. g. in Neubauer's Catalogue Bodleiana, No. 36 (of the seventeenth century) and No. 798; in Catalogue Margoliouth, No. 671 (p. 311b of 1676), Catalogue Sassoon, p. 223a, No. 584, and on the title-page of cod. 773 of the HUC Library where is written: **אני הכותב . . . מאיר** (סת"ם . . . **מטריטש לע"ע פה וואלצדארף**). I therefore shall give here some passages where the sense of the expression can be ascertained with certainty or at least with probability.

1. In a letter written approximately in the first decade of the seventeenth century (published by Asaf in **יד קובץ על יד**, ed. העחקתי מכתב גיסי, p. 120) it is said: **החסיד כהר"ר שלמה שלימל הדר לע"ע בארץ הקדושה בצפת תוב"ב** (see also *ib.* p. 122: **היושב לע"ע בשבת תחכמוני צפת תוב"ב**). Solomon Shlōmel, a Moravian Cabalist, left for Palestine 1602 surely not for a short trip; he even divorced his wife when she refused to accompany him. His aim was from the outset to settle in Safed (see *ib.* p. 117). His dwelling in Palestine is here merely

contrasted with his former residence in Moravia; the mention of the latter was omitted apparently because it was well known to the letter-writer, his brother-in-law, as well as to the addressee.

2. On the title-page of the booklet: *פירוש על שיר מזמור* by *חנך בן אברהם* (Prague, 1657; copied by me from Steinschneider's C. B., col. 836, No. 4724, 3), the author designates himself: *אשר הגלה בראש גולים ממדינת פולין הגר לעת עתה פה ק"ק פראג*. He, who fled accordingly from the massacre of 1648, was probably already established in 1657.

3. On the title-page of the work *פני יצחק* containing three responsa by *Menaḥem b. Isaac Noveira* (Mantua, 1744) he says: *מנחה היא שלוה למורי ורבי יעקב חי חפץ . . . אשר זרחה תורתו עלינו . . . ולעת עתה מורה הוראה בק"ק גוריציאה*. Noveira did certainly not mean to say that Gentili's position was yet a temporary one, all the more that the latter remained rabbi at Gorizia until his death.

4. Probably the same is the meaning in the colophon of a richly illuminated Passover Haggadah, MS. of the HUC Library, No. 445. There is said: *נאים (!) להקטן יאקב סופר . . . מברלין לע"ע*. *סופר סתם בק"ק המבורג בשנת תק"א לפ"ק*. The same copyist wrote a similar colophon on another MS. also in Hamburg, dated 5500 (see Catalogue Margoliouth, No. 611). Even if he considered himself not settled in the year 5500, he would hardly have done so a year later, while following the same occupation.

On the other hand, *לע"ע* or *ע"ע* means "temporarily" in the colophon of a miscellaneous MS. of the HUC Library, No. 747. It reads as follows (f. 36v, third foliation): *נכתב פה פיורדא יו' ד' (= תקכ"ו לפרט) הק' יעקב כץ מקאבלענין ע"ע בישיבה ד"י אייר תקכו"ל (= תקכ"ו לפרט) רמה בקה"נ (= בקהלה הנזכרת)*. The shape of the MS., with the countless scribbles made there by the copyist, proves that the copyist was a pupil, not a teacher of the Yeshibah. But a pupil

<sup>3</sup> *עליונו* means Verona, the residence of Noveira. The statement in *Encycl. Jud.*, vol. 7, s. v. "Gentil Jakob Chai II" that Gorizia was Gentili's first and Verona his last residence is due apparently to a misprint. The authorities quoted in the article itself maintain the contrary.

<sup>4</sup> *נאים* also in the colophon of the Ps.-MS. See my article on the subject, p. 568; see also Steinschneider's C. B. col. LXVI, under 16.

would not have regarded his residence in the Yeshibah town as a permanent one, unless it were incidentally his native town as well.

Not quite clear is the meaning of this expression in Steinschneider's preface to his ed. of קשת ומן by Duran (in אוצר טוב by Berliner and Hoffmann, 1881, p. 2). He writes there: ער שבשנת תרל"ט שלחו מליידען כ"י זה לתלמידי ד"ר מ' לוי (Lövy) לע"ע רב בעיר טעמעשוואר.

It is not likely that Steinschneider should have made a public utterance regarding the inconstancy of his pupil's position, even if this were the case. On the other hand, the meaning "and now" is also not suitable. The previous residence of Dr. Löwy was neither given nor could it be expected to be known to the readers of the periodical.

One could be inclined to interpret here לעת עתה, as עתה, a kind of pleonasm, like e. g., "nowadays" and "now." But the word עתה is here also quite superfluous: Steinschneider could say: ד"ר מ' לוי רב בטעמעשוואר without any harm to clearness or exactness. One has, therefore, to assume that Steinschneider composed his preface in 1879, the year when Dr. Löwy was selected rabbi of Temeshwar (see J. L. Fleisher's review in the periodical סיני, 1929, p. XXIII). He wrote לא כבר, or the like, instead of שבשנת תרל"ט, and לע"ע meant "*just now*," a variety of "and now." However, as it was printed in 1881, the editors changed the expression, but left לע"ע untouched.

We have learned, by the way, that the expression לעת עתה was already used, at least, in the seventeenth century, and not only in modern literature.

Once established that the scribe of the Ps.-MS. resided at Prague permanently, there is no further reason to insist that the purchase of the MS. took place in Metz (see my above-mentioned article, p. 569, paragraph "Accordingly"), though the possibility of it is not entirely precluded. The scribe could have gone there for a short time, e. g. as cantor, but he could have sold the manuscript in Prague to a proxy of the three associated buyers or in some other manner.



## II

## TO NOTE 5 OF MY ARTICLE מתוך כתבי יד

(HUCA, XIV, p. 460.)

Both of my assumptions about the two alleged Cracow editions s. a. of the work חוצאות חיים by Eliah di Vidas, namely, that they represent only one edition with different title-pages (and perhaps another leaf of the first), and that this edition was not the first one, has turned out to be a fact. Steinschneider himself, who listed them in his C. B. No. 4973, under 8 and 9, as the first and second editions of the afore-mentioned work, has reproduced in this same publication, No. 8343 (s. v. "Jakob Luzzat," proof-reader or editor of this edition), a portion of the two prefaces which this edition possesses. In one of them, the first, composed especially for this edition, it is expressly said: נחתי אל לבי להדפיסו שנית, that this edition was the second. Since this sentence is to be found in "both" editions, it shows that there was only *one* edition. It goes without saying that Steinschneider here retracted his previous statement.

It is noticeable that the other preface, to judge from the reproduced portion, is identical with that of the so called Curu Chesme edition (see my article in question, p. 459). The relation between these two undated editions (the latter is s. l. too) would be hard to establish, all the more since the Cracow edition is not available to me. All that one can say with certainty is that this preface was written *for the first edition* whether it was the "Curu Chesme" edition or another which has been lost to us but has served as source to both editions.

By way of curiosity, I have related, toward the end of my note in question, a case of carelessness, as I believed on the part of the editor who prepared the Dyhrenfurth edition of this work (1693). This editor casually says in his preface that the work was entitled by its author (המחבר קראו חוצאות חיים), not being aware that the first editor in his preface (printed also in this ed.) writes expressly that it was *he* who furnished the title. From the reproduced prefaces of the Cracow edition I have learned that this sentence (and probably also most of the

preface) was taken from the Cracow edition either directly or through an intermediary edition. The editor of the Cracow edition is thus the person chiefly responsible for this carelessness.

It is very peculiar that Steinschneider, l. c., who realized the contradiction between the announcements of the two editions, considered them of equal value. Indeed, the announcement of the second editor is, for many reasons, of no value at all. The editor of Cracow edition, which was based solely on the first edition, could not know what was written on the autograph of the work and what was not written there. If he, nevertheless, would have had any motive for his affirmation, he certainly would not have concealed it from us and have expressed his opinion only by the way. He would also have cited the opposite affirmation of the first editor. Apart from that, it is *a priori* improbable that the author of *Rešit Hokmah* would entitle his work by his *Spanish* surname (חיים = vida). Finally the fact that there is indeed a MS. (the first of the two described in my article on the subject) without title and without preface, shows that the title was not given by the author.

The utterance of the editor of the Cracow edition is, therefore, obviously to be explained by assuming that he had not read the preface of the first editor at all but had made his affirmation relying upon the general custom by which the author himself supplies the title to his work.



*Dedicated to President Julian Morgenstern on the occasion  
of his 60th birthday.*

## THE PHILOSOPHY AND THEORY OF MUSIC IN JUDAEO-ARABIC LITERATURE

ERIC WERNER and ISAIAH SONNE,\* Hebrew Union College, Cincinnati, O.

### I

#### THE POSITION OF MUSIC IN THE JEWISH CULTURE OF THE MIDDLE AGES.

REGRETTABLE as it may be, we know very little about the musical theory and philosophy of the medieval Jewish authors. Nonetheless, it would be a gross exaggeration were we to assert a total lack of musical literature in medieval Judaism. Statements have frequently been made to this effect, although a few glimpses into Steinschneider's bibliographies could teach us better.<sup>1</sup> We cannot deny, however, that by comparison with

\*For technical reasons, it was impossible to publish, in this issue of the *HUCA*, the Hebrew texts, their translations, and the critical apparatus prepared by Dr. Sonne. These will be used later, in the continuation of this article. Sections I to V of the present instalment are the work of Werner; the appendix was prepared by Sonne: while section VI was written by both authors in close collaboration. Dr. Werner is greatly indebted to Dr. Sonne for his numerous suggestions, his helpful counsel, and his unflagging interest in this onerous task.

The Texts to which we refer are the following:

Honein-Alharizi, *The Maxims of the Philosophers* (מוסרי הפילוסופים), Text A.

Saadya Gaon, *Emunot Vede'ot* (Ibn Tibbon's and anonymous translations), Text B 1, 2.

Moses Maimonides, *Responsum concerning Music; the Eight Chapters*, Text C 1, 2.

Shemtob Falaquera, *Rešit Hokma; Hamebakkesh*, Text D 1, 2.

Isaac Ibn Latif, *Ginze Hammelek*, Text E.

Moses Abulafia, (quoted by Shemtob ben Isaac, cf. Steinschneider, *Hebr. Bibliographie* XIX, 43. Also Steinschneider's *Hebr. Uebers.*, 410, 689), Text F.

Isaiah ben Isaac, *Commentary on Avicenna's Al-kanun*, Text G.

<sup>1</sup> I refer here to such erroneous statements as that made by Miss Lentschner, in the *Reconstructionist*, Nov. 10, 1939.

the great and comprehensive literature on music among the Arabs, and with the efforts of the Western theorists of the 10th to the 14th century, the Jews have shown but a scant interest in this subject.

What are the reasons for this neglect? Many answers have been offered, but none can satisfy us completely. Let us examine them one by one. This apparent indifference cannot be due to a dearth of musical accomplishment; for we know that the Jews created and developed the best part of their traditional liturgical music in those very centuries.<sup>2</sup> Nor can the chief reason be the absence of an established musical notation. For neither the Arabs nor the European theorists possessed a fully developed system of notation until the twelfth century, and even then the Arabic system was no more than a primitive tablature based on their favorite instrument, the 'ud.<sup>3</sup> For all that, the theoretical achievements of the Arabs are both remarkable and extensive.

Adequately to explain the paradox we must briefly notice the general attitude of scholars, Jewish as well as non-Jewish, toward the music of their times and their environment. For it was these scholars whose views on music either fostered or impeded the growth of musical disquisition.

In the Middle Ages, music was supposed to be not so much a practical art as a "*scientia*" well embedded in the *quadrivium educationis*<sup>4</sup> which contained the four mathematical sciences,

<sup>2</sup> Of the literature on the development of traditional chant, we note only the following: Idelsohn, *Thesaurus*, vols. 2, 4, 5, 7, 9, 10, and *Jewish Music in Its Historical development* pp. 132-200. Birnbaum, *Liturgische Studien* II. Nettl, *Alte juedische Spielleute und Musiker*. Vogelstein-Rieger, *Geschichte der Juden in Rom* II, 120 ff. Steinschneider, *Hebr. Uebersetzungen*, p. 698 ff. Werner, *Die hebr. Intonationen des B. Marcello*, in *MGWJ* 1937. *Idem*, *Notes on Jewish and Catholic Musical Punctuation*, in *HUCA* 1940.

<sup>3</sup> Cf. H. G. Farmer, *History of Arabian Music*, p. 95, and *Facts for the Arabian Musical Influence*, pp. 305-16.

<sup>4</sup> About the number of the sciences in the Jewish world cf. Guedemann, *Das Juedische Erziehungswesen waehrend der Spanisch-Arabischen Epoche*, p. 38 n. 1. The inclusion of music in the *quadrivium* dates back to M. Varro. Augustine opposes the general practice of the science of music, when saying: "Aliud igitur putas esse artem, aliud scientiam. Siquidem et in sola ratione

viz. Arithmetic, Geometry, Astronomy, and Music. Boethius made this classification fairly common. His works *De Institutione Musica* and *De Institutione Arithmetica* belonged to the standard books of the Middle Ages. He gave the classic definition of Music from which eight hundred years of musical theory drew.<sup>5</sup> According to Boethius, Music has the following genera: (1) *Musica mundana* representing the movements of the heavenly spheres and the order of the elements and seasons. This Music is inseparably connected with the mathematical order of the universe. (2) *Musica humana* is the power which links body and soul in a kind of mathematical harmony, mirroring the macrocosmic *Musica mundana* in the microcosm of human existence.<sup>6</sup> (3) *Musica instrumentalis* is music in our own sense of the term, namely, the art of musical composition yielding music which can be heard and felt. Such music is not "real" in the Platonic sense but only an *imitatio Musicae mundanae*. Its task is to unify the movements of the soul and to attune them into a perfect harmony. It is the lowest form of Music.<sup>7</sup> Quite different is Cassiodorus' division into *scientia harmonica, rhythmica et metrica*. Here we find no reference to melody or to musical forms; everything is dealt with "more arithmetico." This purely abstract method did not, however, deter the monk, Cassiodorus, from a strictly theological interpretation of the effect which music has upon the human soul.<sup>8</sup>

Regino of Pruem formulated the classification *musica artificialis et naturalis*, also resorting to ecclesiastical speculation. Here natural Music is that which emanates from God's creatures,

esse potest, ars autem rationi jungit imitationem." Cf. *Patr. Lat. (Migne)* XXXII, 1086.

<sup>5</sup> Cf. G. Pietzsch, *Die Klassifikation der Musik von Boethius bis Ugolino von Orvieto*, p. 40.

<sup>6</sup> *Ibid.*, p. 42.

<sup>7</sup> Boethius' formula "quibusdam instrumentis ut in citharis vel tibiis" is perhaps an allusion to 1 Sam. 10.5.

<sup>8</sup> Cassiodorus closely follows the allegorical representations of the late Alexandrian school, which claimed a personal affinity, almost identity between Orpheus, David, and Jesus, although Cassiodorus himself did not go quite so far. Cf. Pietzsch, *op. cit.*, 14.



while artificial Music is performed upon instruments devised by man.<sup>9</sup>

The influence of the Arabic theorists, especially of Alfarabi, is recognizable in Gundissalinus' (ca. 1150) classification into *musica speculativa et activa* whereby a rigid distinction is drawn between the meditative (philosophy) and the active (singing, playing) capacity of the musician.<sup>10</sup>

In all of these definitions, the theoretical viewpoint greatly prevails over practical musical performance. Considering the enormous part which authority played in mediaeval thinking, we need not to be surprised that the definitions mentioned were quoted recurrently.<sup>11</sup> This is equally true of the world of the Near East; and Spengler is certainly right in calling Plato, Aristotle, and Pythagoras the prophets of the Western orbit, including Syria and Arabia. "Whatever could be traced back to them was inevitably thought to be the truth."<sup>12</sup>

Judaism also, to a certain degree, accepted those Greek sages as authorities, but set high above them the Bible and the talmudic Rabbis.<sup>13</sup> Still, in the attitude toward music, we may find a considerable difference between the Jewish scholars of Central and Eastern Europe on the one hand, and the Hebrew sources of the Arabic sphere on the other. While Jewish scholars within the domains of Arabic culture participated in all phases of that culture, even in the secular and the artistic, the rest of European Jewry had to limit itself to theological and exegetic studies based exclusively on rabbinic doctrines. Those Rabbis knew of musical art only the traditional elements of the synagogal chant and were interested in the proper rendition of music purely

<sup>9</sup> *Ibid.*, 64.

<sup>10</sup> Cf. L. Baur, *D. Gundissalinus' De Divisione Philosophiae* in *Beitraegen zur Philosophie des Mittelalters* IV, pp. 96-102. See also Pietzsch, *op. cit.*, p. 79.

<sup>11</sup> Cf. Clemens Baeumker, *Geist und Form in der Mittelalterlichen Philosophie*, p. 60.

<sup>12</sup> Spengler, *Der Untergang des Abendlandes* II, 303. However, Spengler is quite mistaken in some of his conclusions concerning the invention of "working hypotheses."

<sup>13</sup> "The understanding of Aristotle is the highest a man can ever achieve, excepting the wisdom of the prophets." (Maimonides to Samuel ibn Tibbon, cf. Steinschneider, *Hebr. Uebers.* 40/41.)

from the rabbinic point of view.<sup>14</sup> It even seems that the boundary line between the two different attitudes corresponds to the geographic frontier between the Spanish and the Parisian areas. R. Joseph ibn Caspi, a learned writer of Provence which was then the exact line of demarcation between Spain and France, says: למנצח בנגינותי אשר אלו המות ר"ל שגיונות. ולמנצח הם מלות שיריות ר"ל ממלאכת השיר הנהוגית בכלי הניגון העשויים להעיר הנפש המשכלת המכונה בימי קדם מוסיקא אבל נאבדה החכמה הזו.<sup>15</sup>

Accordingly, we limit this study to the Jewish sources within the Arabic sphere among whose intellectuals the scholastic works on musical theory were almost common property. Judaeo-Arabic literature placed music among the sciences at a fairly early time. Already the Karaite Nissim ben Noah in the ninth, David Almokammez in the tenth, and Bachya ibn Pakuda during the eleventh century mention music as a part of scientific study.<sup>16</sup> Much more is to be said about Joseph ibn 'Aḳnin, the disciple of Maimonides who, differing appreciably from his almost anti-musical master, gave in his "*Tabb-ul-nufus*" (Recreation of Souls) a precise description of the curriculum of musical studies prevalent in his day. We shall later deal with this work in detail. Suffice it for the present to cite a remark interesting for its independence of judgement. In Ibn 'Aḳnin, Music finds a place after the study of Writing, Torah, Mishna, Grammar, Poetry, Talmud, Philosophy of Religion, Logic, Mathematics, Optics, and Astronomy.<sup>17</sup> And he continues: "The practice of this science (Music) precedes the theory. The former must come chronologically first, because its healing power cannot show itself except by its actual performance. Thus theoretical speculation is in place only after practical accomplishment. The priority of practice is imposed by

<sup>14</sup> Cf. Epstein, *Die Wormser Minhagbuecher*, p. xxii, *Sefer Hasidim*, #302, also Idelsohn, *Jewish Music* chap. viii.

<sup>15</sup> Cf. Joseph ibn Caspi, אדני כסף, ed. Last, p. 120. Note that the author does not refer to the traditional cantillation of the Psalms, but to the חכמה (science) of Music.

<sup>16</sup> Cf. Guedemann, *op. cit.*, (note 4), p. 158.

<sup>17</sup> Cf. David Kaufmann, *Gesammelte Schriften* III., p. 343. See also שפתי ישינים, p. 7. Cf. also Steinschneider's words about Ibn Aḳnin in *Hebr. Uebers.*, p. 33, and *HB* XIV, 10, 38.

law and nature."<sup>18</sup> To give precedence, even chronological precedence, to *ars*, perhaps even to *usus* before *scientia*, was by no means a common view. The great Roger Bacon was of quite a different opinion: "In the same manner as children can understand the mathematical method of figuring or counting, it will be easier and even necessary for them to understand numbers before singing, because in the relationship of numbers to each other, all the ideas of musical numbers serve as explanatory examples."<sup>19</sup>

A singular position concerning the place of music is taken by Yehuda Halevy. In his *Cusari* he deals with music as part of astronomy and the calendar (II #64-65). But he also links it with metrics and with poetry (II #70-73), later with natural science (IV #24-25), and finally with the speculative disciplines (V #12).<sup>20</sup> Apparently his ideas about musical science are based on Alfarabi and Ibn Sina with whom music similarly occupies a double position, subsumed partly under grammar and partly under the speculative and natural sciences. Hence, we need not wonder that this ideology appears in remote occidental scholars like Vincent of St. Beauvais or Roger Bacon, both of whom are well conversant with Alfarabi and Avicenna.<sup>21</sup>

Yehuda Alharizi, an older contemporary of Ibn 'Aḳnin, proposed, in a translation from Arabic sources, a concise curriculum

<sup>18</sup> Like his Arabian and Latin fellow-theorists, Ibn 'Aḳnin identifies the science of Music with musical theory, the art of music with musical practice. Cf. H. Edelstein, *Die Musikanschauung des Augustinus nach seiner Schrift De Musica*, pp. 75-81.

<sup>19</sup> Cf. Roger Bacon, *Opus Maius*, N. E. by J. H. Bridges, Oxford 1897, pp. 100, 178/79, 237/8.

<sup>20</sup> Cassel (*Cusari*) p. 393, claims that Yehuda Halevy while enumerating several disciplines, makes veiled allusions to some works of Aristotle. I cannot agree with him; for Aristotle did not write about Music in his *quaestiones mechanicae* (genuine?) nor in his *De Coloribus*. About the influence of the Pseudo-Aristotelian *Problems*, see *infra*, chap. III.

<sup>21</sup> At least one of Vincent's works was available to the Jews; cf. Steinschneider, *Hebr. Uebers.* #299. About Alfarabi-quotations in Vincent's work see Pietzsch, *op. cit.*, p. 30. Roger Bacon, too, quotes Alfarabi's writings on Music: Cf. his *Opus maius*, transl. by R. B. Burke, I, 259/60.

of learning. In his מוסרי הפילוסופים § 11 he states: "Aristotle says concerning education: The first matter in which a teacher should instruct his disciple is Greek script. In the second year he may teach Grammar and Metrics; in the third year Law and Religion; in the fourth year, Reckoning; in the fifth year, Mathematics; in the sixth, Astronomy; in the seventh, Pharmacology (Medicine); in the eighth, Music; in the ninth Logic. In the tenth year, he may proceed to Philosophy. The disciple shall learn these ten sciences in ten years, each in one year."<sup>22</sup> We see with amazement that secular science occupies a larger part than religion in this educational program. Yet soon thereafter the reaction toward a more religious attitude followed which finally culminated in a limited ban, pronounced by R. Solomon ben Aderet (1305), upon all secular studies.

An inkling of this more orthodox feeling is to be found in the curriculum, suggested by Yehuda b. Samuel b. Abbas in his book "*Yair Natib*" (*Illumination of the Path*).<sup>23</sup> According to this author, the student ought first to become familiar with the Bible, the Talmud, and the writings of the best rabbinical authorities." Then may follow the study of Geometry, of Optics, and of Music. Of the latter science, some parts ought to be studied in conjunction with Medicine, because of pulsation and its rhythm."

Three decades later, Shem-Tob Falaquera could still, in the face of orthodox reaction, emphasize in his *Reshit Hokma* the pursuit of the secular sciences, including music. But in his later book, the didactic novel *Mebakkesh*, he had to qualify his program with the cautious admonition: "Take care and beware lest thou forget the words of Scripture. Believe nothing of the statements based only on the conclusions of reason which might contradict Scripture. For the faithful, belief in Scripture is paramount, since Scripture comes from God and is above the syllogisms of mere reason." Then he proceeds: "The student may study Bible, Mishna, and Talmud for five years . . . Afterwards the diligent disciple leaves his master in order to study, with

<sup>22</sup> Guedemann, *op. cit.*, (note 4), p. 37/8.

<sup>23</sup> *Ibid.*, p. 146. The work is still in MS, available in the Bodleiana.

another teacher, the science of Mathematics, which he will pursue in this order: Arithmetic, Geometry, Optics, Astronomy, and Music."<sup>24</sup> We may recognize here the growing prevalence of orthodoxy which placed the study of Bible and Talmud above everything else. This swing to the dominance of the Bible was accompanied by the decline of Arabic scholarship. Thus the Cabalist, Abraham b. Isaac of Granada (ca. 1400), could discern reference to the secular sciences in the same scriptural verse,<sup>25</sup> in which talmudic interpretation saw an allusion to the six *sedarim* of the *Mishna*.<sup>26</sup>

היה אמונת עתיד חוסן ישועת חכמת  
ודעת יראת ה' היא אוצרה

Abraham ben Isaac interprets the verse as follows: "Certainty (אמונת) means Arithmetic, Fate (עתיד) means Astronomy, Strength (חוסן) means Geometry, Salvation (ישועת) means Music, as it is written: (II Ki. 3.15) 'But now bring me a minstrel. And it came to pass, when the musician played, that the hand of the Lord came upon him.' Wisdom (חכמת) means Ethics" *etc.*<sup>27</sup>

The upshot of this antisecular dogmatism was the practice of referring interminably to the music of the Temple, which served as a keyhole through which the Jews peeped into the outer musical world. But since these passages are not of much consequence for our subject, we cite here only a few, hoping that these will shed light on the opinions of the medieval Jewish scholars.

<sup>24</sup> *Ibid.*, p. 156/7.

<sup>25</sup> *Ibid.*, p. 41, quoted from Abraham b. Isaac's work *ברית מנוחה* cited by Shabbetai Bass, *שפתי ישנים* introduction, p. 7b.

<sup>26</sup> The talmudic passage is from Šab. 31b. The allusion is to Isa. 33.6.

<sup>27</sup> שפתי ישנים, ז' ובספר ברית מנוחה פרק י' א' על פסוק והיה אמונת עתיד וגו' אמונת רמו למספר. עתיד רמו לחכמה. חוסן רמו לחשבורת. ישועות רמו לנינון כמ"ש: ועתה קחו לי מנגן וגו' ותהי עילו רוח ה'. חכמת רמו למדות. ודעת רמו למטבע. יראת ה' היא אוצרה רמו לחכמת האלהים. כאמרם אין מוסרין ראשי פרקים אלא לאב"ר וכו' I was, however, unable to locate the original passage in the *ברית מנוחה* (Ed. Amsterdam 1648, Ed. Warsaw 1883). Yet Azulay states that he once saw a copy of the MS of this work which contained twice the material of the printed book. The first printed source of our passage is undoubtedly Moses Bottarel, introduction to his commentary on the *יצירה* (Ed. Warsaw, p. 24). About the prophetic virtue of music see *Infra*, ch. III.

Of the older exegetes, it is Saadya who, commenting on the Psalms, deals frequently with musical terms and expressions.<sup>28</sup> Yet, with all of his output, he does not enlighten us much about contemporary musical theory. In his chief work, *Emunoth Wede'ot*, he gives a terse, but interesting description of the musical modes of his milieu.<sup>29</sup>

In Italy, Serahya b. Isaac, a contemporary of Manuello of Rome interprets Prov. 9:1 as follows: "The seven sciences are the four mathematical ones, viz. Arithmetics, Geometry, Music, and Astronomy, and the three philosophical ones, viz. Physics, Metaphysics, and Politics."<sup>30</sup> Manuello himself in his exegesis of Proverbs seizes the opportunity for bitter complaint about the decay of musical art and science. His words (to Prov. 26.16) are: "Truly a miracle that we still possess the twenty-four books of Scripture! It is very probable that Physics, Metaphysics, and the other sciences, of which Plato and Aristotle are today said to be the masters belonged originally to Solomon. Indeed, we see that Music, an excellent science and art, was at home originally in our religion, performed by men like Asaph, David, and Samuel. But today nobody among us knows anything about it. It has been left to the exclusive possession of the Christians."<sup>31</sup>

We have cursorily sketched the place of musical science in the Jewish system of education during the Middle Ages.<sup>32</sup> In so doing, we have encountered two questions of major importance.

A. Did Hebrew theory, like Western Civilisation between the 8th and the 12th century develop a system of musical notation? The answer is — unfortunately — "No." Hebrew theory

<sup>28</sup> Abraham Ibn Ezra curtly recognizes Saadya's musical Knowledge in the words: במנים אומר הנאון כמו מינים ויאמר ר' אדונים שהוא אחד והטעם כלי ניגון . . . דברי הנאון אמת. (שפת יתר, Ed. Pressburg, p. 32).

<sup>29</sup> Cf. our Texts B, 1, 2.

<sup>30</sup> Guedemann, *Geschichte des Erziehungswesens und der Cultur der Juden in Italien*, p. 160.

<sup>31</sup> *Ibid.*, p. 120. Cf. also Manuello's caustic verse: (Div. VI, 49) מה אומר חכמה הניגון אל הנוצרים: גנוב ונזכר מארץ העברים: (Gen. 40.15).

<sup>32</sup> Salomon Almoli, already under the spell of the Renaissance, does not quite belong to the Middle Ages proper. In his המחנה לכל המדות he compromises between religious and secular sciences, suggesting a very elaborated and ambitious educational program. Cf. Steinschneider, *Hebr. Uebers.* #9.



closely followed the Arabic lead which never created a truly popular or practical notation, limiting itself to some inconsequential sporadic attempts.<sup>33</sup> The Arabs likewise failed to use full harmonies — at least full harmonies in the European sense. Although they knew of chords, they seldom went beyond a complex heterophony.<sup>34</sup> Thus, the Jewish and Arabic theory of consonances was little more than a matter of mathematical speculation.<sup>35</sup>

B. Did Hebrew theory contribute in any way to the advancement of medieval musical science? Here the answer is: Directly, No; indirectly, Yes. And it was a Jewish figure of significance who furthered the theory of music by devious ways. Gersonides (= Ralbag = Leo Hebraeus) wrote a Latin treatise *De Numeris Harmonicis* the title of which is somewhat misleading, inasmuch as it does not deal with the numbers of the overtones. Actually, it lays the foundation for the new rhythmic theory of Monsignore Philipp de Vitry, the outstanding personality of the "*Ars nova*" — a much misunderstood work with which we shall elsewhere deal extensively.<sup>36</sup>

<sup>33</sup> The discussion about the clarity and the value of the Arabic notation is still going on. Kiesewetter, a hundred years ago, condemned it sharply. (*Musik der Araber*, p. 66–68) He wrote:

"Allein, es scheint den Orientalen zu allen Zeiten die Eitelkeit eigen gewesen zu sein, das sich ihnen darbietende Einfachere und Leichtere von der Hand zu weisen, um kuenstlichere, . . . auf die Bewunderung der Laien berechnete Erklaerungen und Methoden aufzusuchen.

H. G. Farmer, in our day defends the Arabic system of notation and calls it a letter-notation, not a tablature. He furthermore attempts to prove that this complex and awkward system influenced the European notation of Hucbald and his followers. Cf. *History of Arabian Music*, p. 95, also *An Old Moorish Lute-Tutor*, p. 27.

<sup>34</sup> *Infra*, chap. v on Harmony!

<sup>35</sup> Cf. G. Reese's excellent work on the *Music of the Middle Ages*, p. 118, where he states: "In the Middle Ages, Music was looked upon as a branch of Mathematics, — a view that never has been and probably never will be altogether discarded, since there is much truth in it."

<sup>36</sup> The term *numerus harmonicus* has already been used as ארך הנוניום by Abraham Ibn Ezra, as we see in his ספר המספר ed. Silberberg, p. 47 ff. The editor of Gersonides' work, Joseph Carlebach, admits freely, (p. 142, note 3). that he was unable to detect the musical implications of Gersonides' book. This was due to the misleading title which is a musical as well as a mathe-

After this digression, we resume our discussion of the Hebrew conception of music, as expressed by the few medieval sources which are immediately available.<sup>37</sup>

*Musica est exercitium arithmeticum occultum nescientis se numerare animi. Errant enim qui nihil in anima fieri putant, cuius ipsa non sit conscia.*—LEIBNITZ.<sup>38</sup>

## II

### DEFINITION AND CLASSIFICATION OF MUSIC

In general, medieval Jewish literature knows of two more or less opposing conceptions of music, between which a third, an eclectic conception attempts to mediate. Since the Jews were largely under the spell of Arabic writers in all secular issues, we need not marvel that views of music which appear in Arabic theory should be identical with Jewish views. Ancient Greek ideas, in turn, dominated the Arabs. As a result, those Greek principles are to be encountered again and again in Hebrew literature. The

mathematical term. The solution of this problem, i. e., the relation of the book to musical theory lies, we believe, in the system of rhythmic division and notation, as created by Philipp de Vitry. I cannot fully explain here the importance of Gersonides' thesis for Vitry's system, but in my opinion there is no doubt that it conceded the strictly mathematical foundation of Vitry's *quatre prolations*. I shall explain the real meaning of Ralbag's great contribution to the new system of the *ars nova* in a special study.

<sup>37</sup> Of the MSS which were not available to us we mention the following:

Abu'l Salt's treatise on Music, MS P 1037, cf. Steinschneider, *Hebr. Uebers.* p. 855.

Yehuda b. Isaac, cf. Steinschn. *Hebr. Uebers.* p. 970, and notes 158, 159.

Anonymous treatise ממושיקא כלידים MS Halberstam 49 f. 388, cf. Steinschn. *ibid.* note 58.

I am convinced, however, basing my belief on Aubry's *Iter Hispanicum*, (*Sammelbde. d. Internat. Musik-Gesellschaft* 1906/7) and the latest discoveries of Higinio Angles, (Cf. *Mus. Quarterly* 1940 p. 524) that some Judaeo-Arabic MSS on Music still repose undiscovered in the libraries of Spain, probably in Toledo, in Cordova, or in the Escorial.

<sup>38</sup> *Epistolae ad div.*, ed. Korthold, p. 239.

representatives of the three ancient attitudes were: (1) The Neo-Platonists and the Pythagoreans, (2) the Aristoxenians, and (3) mediating between the two, the followers of the Peripatetic school of Aristotle. Since the last, employing in his ideas on music elements of both the Pythagoreans and Aristoxenians,<sup>39</sup> was considered by the Arabs one of the highest authorities on everything but matters religious, we find his ideas, sometimes modified, sometimes amplified, in both the Arabic and the Jewish treatises on musical theory. For all that, the old dispute between the Neoplatonists and Pythagoreans on the one hand, and the Aristoxenians on the other, outlasted all attempts at mediation. And that perennial controversy — even if in an indirect way — determined not a few of the Arabic and the Jewish notions. Since we shall frequently refer to those antithetical conceptions, we think it suitable to explain briefly the chief differences between them.

According to the Pythagoreans, the human soul is in constant motion. This motion is defined by certain numerical proportions which attend the harmonic relations of the tones.<sup>40</sup> Therefore, certain tunes evoke corresponding motions of the listener's soul. The mathematical analogy between the ratios of the soul's motion, the vibration of strings, and finally the movements of the heavenly bodies, constitutes the basis upon which rests the principle of ethical power — *ἐπανόρθωσις τῶν ἡθῶν*. The idea of the moral *katharsis* of the emotions,<sup>41</sup> as proclaimed by Aristotle and his followers, is closely related to the older Pythagorean ideology. The connection between body and soul is improved and "harmonized" by properly selected tunes, and this involves also the idea of music as effective medical treatment. The motions of the celestial bodies, of the *Macrocosmos*, are supposed to be

<sup>39</sup> On Aristotle and Music cf. A. Kahl, *Die Philosophie d. Musik nach Arist.* H. Abert, *Die Lehre vom Ethos in d. Griech. Musik* §§4 and 5; Th. Reinach, *La Musique Grecque*; W. Vetter, *Die antike Musik in d. Beleuchtung durch Arist.* (in *Archiv fuer Musikwissenschaft* 1936, 2) — to quote only the best and most recent studies.

<sup>40</sup> Cf. Ptolemaeus, *Harmonica*, III, chap. iv.

<sup>41</sup> We are using in this study the term *emotion* in place of the more correct, but unusual *affectus*. The terms are not quite identical, however, and we apologize for this lack of correctness.

paralleled by those of the soul.<sup>42</sup> Thus a complicated numerical calculation in musical astrology begins to take shape.<sup>43</sup>

Much more practical was the ideology of the Aristoxenians. The Aristoxenians approached music entirely from the acoustic point of view, relying upon the ear rather than upon mathematics. The conception of a human microcosm, brought into harmony with the universal macrocosm by means of music, was not among the teachings which the Aristoxenians stressed.<sup>44</sup> The Platonic, and still more, the Aristotelian theories attempt to reconcile the aforementioned philosophies by conceding the effect of music upon the human soul, but cautiously avoiding definite commitments concerning mathematical and astronomical concepts.

Many of these speculations entered into Hebrew literature. Even in the realm of definitions and classifications of music we shall encounter some of them and shall compare them with Jewish and Arabic statements.

However, a word of caution may be in place. The ideas with which this study is concerned refer to the somewhat *artificial* music of the Arabs and the Jews and do not necessarily apply to their genuine folk-music. We have every reason to assume that the folksong of the Near East, as we know it today, with all of its tendencies toward the ecstatic and the wild, (in short, toward the Dionysic) is not much different from that which prevailed in the Middle Ages. The artistic music with which we are dealing, was originally under suspicion by the vast majority of the orthodox, chiefly on account of its secular attitude and its patronage

<sup>42</sup> Cf. Plato, *Timaeus*, 34 B.

<sup>43</sup> If H. Abert in his *Lehre vom Ethos in d. griech. Musik* disposes of this entire system with the words "gelehrte Tifteleien" (learned hairsplitting), then let us remember the enormous influence of this great conception upon philosophy, aesthetics, music, and astronomy until Newton. Even in such sober books as those of the modern astronomer Eddington we may find speculations, which are closely related to Pythagorean ideas. At any rate, Abert's rash statement could hardly be sustained in our times.

<sup>44</sup> Cf. Westphal-Rosbach, *Die musischen Kuenste der Hellenen*; (still the best paraphrased edition of Aristoxenos). Also Winnington-Ingram, *Aristoxenos and the Intervals*, (in *Classical Quarterly* 1932, p. 195). H. Abert, *op. cit.*, and Laloy, *Aristoxène de Tarent*.

by the courts of the Caliphs.<sup>45</sup> Nonetheless, in the course of centuries, it gained popularity and strongly influenced the music of the people. Perhaps there occurred a certain assimilation to popular taste. Still, the simple Arab or Jew did not trouble much about musical theories, certainly no more than the average American troubles about musical science today.

In general it is a science (חכמה) of propaedeutics, seeking powers that go far beyond the aims of the other sciences. The other sciences comprise merely knowledge and information.<sup>46</sup>

Following the Platonic principle that knowledge conduces to virtue, we read: "Music leads to spiritual knowledge."<sup>47</sup> It is sometimes called "An occupation" (מלאכה).<sup>48</sup> Above all, it is supposed "to be a mathematical science, involving arithmetical and geometrical proportions."<sup>49</sup>

Much more simply and with deliberate restraint, Bottarel defines it thus: "חכמת השיר והניגון — this is Music; the science of melody, the motion of ascending and descending tones, as well as the study of intervals."<sup>50</sup> Quite in the same vein, which is closely Aristoxenian, Izaiah b. Isaac states in his commentary to Avicenna's *Al-kanun*: "The task of Music is the composition of *lahanim*.<sup>51</sup> The elements of which the *lahanim* consist are divisible into two groups: 1. the individual tones (נעימות), and 2. structure or shape (חבור). The first one is the matter (חומר) and the second is the form of completed melodies (לחנים)."<sup>52</sup> Yehuda Halevy

<sup>45</sup> Cf. Julian Ribera, *Music in Ancient Arabia and Spain*, chap. iii (end), vi (end), p. 72 *et passim*.

<sup>46</sup> *Infra*, chaps. iii and iv.

<sup>47</sup> Cf. Texts A, XIX, 13. Beethoven's proud words: "*Musik ist hoehere Offenbarung als alle Weisheit und Philosophie*" expresses exactly the same idea. See *infra* appendix of translated passages!

<sup>48</sup> Cf. Texts A, XIX, 24. See *infra* appendix of translated passages!

<sup>49</sup> Cf. Abr. Ibn Ezra: מדרך השלישי ערכי חכמת הנגינות והיא חכמה מפוארת מאד . . . כי ערכיה מורכבים מערכי החשבון וערכי המדות . . . (cf. Silberberg, *des Ibn Ezra*, Hebr. part, p. 46.)

<sup>50</sup> Cf. Bottarel, Comment. on the *Sefer Yezirah*. (according to the בריית מנוחה of Abr. of Granada.)

<sup>51</sup> For all following terms cf. *infra* chap. VI., (Terminology).

<sup>52</sup> Cf. Texts G, #2. Compare with it the first definition of Aristides Quintilianus: "Music is the science of the melodies and of their parts and properties." (Arist. Quint. ed. Meibom p. 6.) See *infra* appendix of translated passages!

recognizes both of the Pythagorean aspects of music, the ethical as well as the mathematical. "Music was then (in David's time) a perfect art. It wielded that influence upon the soul which we attribute to it, namely, that of moving the soul from one mood to another." Again: "Measures, weights, the proportions of various movements, the harmony of Music, everything is in number." (ספר).<sup>53</sup> Likewise following the Greek trend of thought is the definition to be found in Honein-Alharizi's "*Maxims of the Philosophers*": "Music is an art which links every species with its own . . . it stirs up that which is at rest and brings to rest that which is in motion."<sup>54</sup> The difference of opinion mentioned in the discussion of the Greek Schools can also be found in the *classification* of music in which, we believe, the genuine spirit of the Greek authors still lives, though somewhat faded and obscured. Jewish literature, as well as Arabic literature, knows of three ways of classification: 1. by separating theory and practice, 2. by distinguishing between natural and artificial music, and 3. by noting the effects upon the listener. Ibn 'Aḡnin represents the first category; likewise Falaquera who offers in his *Rešit Hokma* almost the same text as Ibn 'Aḡnin. We shall later refer to that classification as a classic example of the continuity and virtual identity of the Greek-Arabic-Hebrew-Latin tradition of musical philosophy. The second method is employed chiefly by Saadya Gaon and his commentators, especially Abraham b. Ḥiyya, the Pseudo-Bereḡya, and the three disciples of Frat Maimon, viz. Jacob b. Ḥayyim, Salomon b. Yehuda and Nathanael Caspi.<sup>55</sup> Saadya himself, in the introduction of his *Emunot W'de'ot* divides music into natural and artificial types.<sup>56</sup> The third method, which is somewhat frequent in Arabic literature, is employed by Honein-Alharizi, by the *Ikhwan es-Safa* and

<sup>53</sup> Cf. Yehuda Halevy, *Cusari*, ed. Cassel, II §65 and IV. §25.

<sup>54</sup> Cf. Texts A, XX, 4. It is not by matter of chance Euclid, the Pythagorean, who is here credited with such a statement. Compare with this maxim Texts A XVIII 3, and Aristides Quintilian, (ed. Meibom), p. 107, where the same characteristic is affirmed. See *infra* appendix of translated passages!

<sup>55</sup> Cf. Steinschneider, *HB* XIII, p. 36 ff.

<sup>56</sup> Cf. Texts B 1. See also Jacob Guttman, *Die Religionsphilosophie des Saadya Gaon*, p. 286. A very similar classification is given by Cassiodorus, *Patrol. Lat.* LXX, 1208 ff.



by Alfarabi.<sup>57</sup> It is, as we shall presently see, the favorite method of the Arabic writers. In Honein-Alharizi's "*Maxims of the Philosophers*" we read: "There are three sorts of arts: 1. those in which speech preponderates over action; 2. those in which there is more action than speech; 3. those again in which speech and action are equipollent. To the first belongs the telling of stories and fables . . . The arts in which there is more action than speech are represented by the physician . . . The art of Music is that in which action is equipollent to speech. Music, therefore, is the best art, provided that its speech comports entirely with its works, as in the case of a lute-player whose melody corresponds with his movements."<sup>58</sup>

This evaluation of music is obviously based on hermeneutic principles. We find similar ideas in Pseudo-Aristotle's *Problems* XIX, 27. And quite unequivocally the authentic Aristotle states: "We approve of the classification of all tunes and melodies . . . into such as possess *ethos* (*ἠθικαί*), such as express energetic action (*πρακτικάί*) and such as evoke enthusiasm (*ἐνθουσιαστικάί*)."<sup>59</sup> Classification on the basis of expression appears also in Alfarabi, in Ghazzali, in the *Ikhvan es-Safa*, and, above all, in the *Kitab al Aghani*, that rich treasury of musical facts and theories extant among the Arabs.<sup>60</sup> To that "expressionistic" classification we shall occasionally revert.

Of those three ways of classifying music, there is no doubt that, down to the seventeenth century, the first method, representing a very old tradition, wielded the strongest influence upon Western civilisation.

In order to exhibit the steady stream of tradition within the science of music, we compare, in the following pages, the classi-

<sup>57</sup> Cf. Texts A XIX, 1, 2 *et Passim*. XVIII, *passim*. See *infra* appendix of translated passages!

<sup>58</sup> Cf. Texts A XIX, 24. See *infra* appendix!

<sup>59</sup> Cf. Aristotle, *Politics* VIII, 6, 1341 B 32.

<sup>60</sup> Alfarabi, *Kitab al musiqi*, ed. D'Erlanger, I., p. 13.

Al-Gazzali, in Ribera, *op. cit.*, p. 90.

*Die Enzyklopaedie der Lauteren Brueder*, (*Ikhvan es-Safa* — encycl. of the Brethren of Purity) ed. Dieterici, chap. Music.

*Kitab al-Aghani*, in Ribera, *op. cit.* p. 89, *et passim*.

fications of music proposed by a Greek (Aristides Quintilianus), an Arab (Alfarabi), a Jew (Falaquera), and a Spanish Christian (Dom. Gundissalinus).<sup>61</sup>

### TABLE 1

ARISTIDES QUINTILIANUS (ED. MEIBOM, P. 7 FF.)

Music as a whole admits of subdivision into a theoretical part and a practical part.

The theoretical part is that, in the first place, which comprehends, with precision and exactness, the technical rules. These include the highest postulates as well as the derivatives. This part also undertakes observations relating to the highest, the most general principles; which means the elements and their ultimate source in Nature as well as their consonance with the things of Existence.

The practical part is that which, operating in accordance with the technical rules, pursues the end and aim to which music is dedicated; wherefore this part is characterized as pedagogical.

The theoretical part admits of subdivision into the physical (the natural) and the technical (artificial). One portion of the physical comprises the doctrine of numbers. The other portion

<sup>61</sup> The sources of our tabulation:

1. Aristides Quintilianus *De Musica*, translated by R. Schaefer, p. 167. *Idem*, ed. Meibom, pp. 7/8.
2. Alfarabi, *De Ortu Scientiarum*, ed. Baeumker, in *Beitr. zur Philos. des Mittelalters* XX, pp. 3/ff.  
Alfarabi, *De Scientiis*, in Farmer, *Alfarabi's Arabic-Latin Writings on Music*, pp. 21-31.
3. Falaquera, *Reshit Hokma*, cf. Texts E 1.
4. D. Gundissalinus, *De Divisione Philosophiae*, ed. L. Baur (in *Beitr. zur Philos. d. Mittelalters* IV., pp. 96-102). Here Aristides is recognised as source of Alfarabi. Cf. pp. 240-46.  
That Falaquera translated almost literally Alfarabi's *De Scientiis*, (Ihsa' al-'ulum), is well known, cf. Brockelmann, *Geschichte d. arab. Literatur*, I. Supplem., p. 377; see also L. Straus in *MGWJ* 1936.

bears the same terminology as the genus which includes it, namely, "physical." It is this latter portion that undertakes the surmises regarding the things of Existence. The divisions of the technical are Harmony, Rythm, and Meter.

The practical part subdivides into:

1. The application of the aforementioned three technical divisions to the process of musical composition.

2. Directions as to the manner in which these divisions should be presented.

The subdivisions of the first point are: Construction of Melodies, Formation of Rythm, and Poetry. The following is the systematic classification according to Schaeffe, *Aristides Quintilianus*, p. 67.

I. θεωρητικόν	φυσικόν	{ φυσικόν ἀριθμητικόν	II. πρακτικόν	χρηστικόν	{ μελοποιία ῥυθμοποιία ποίησις
	τεχνικόν	{ ἁρμονικόν ῥυθμικόν μετρικόν		ἐξαγγελτικόν μαιδευτικόν	{ ὠδικόν ὀργανικόν ὑποκριτικόν

TABLE 2

ALFARABI, IHSA'AL-'ULUM (DE SCIENTIIS), ED. FARMER,  
GLASGOW 1934

"Scientia vero musice, comprehendit in summa, cognitionem specierum armoniarum; et illud ex quo componuntur, et illud ad quod componuntur, et qualiter componuntur, et quibus modis oportet . . . Et illud quidem quod hoc nomine cognoscitur, est due scientiae. Quam una est scientia musice activa, et secunda scientia musice speculativa. Musica quidem activa, est illa cuius proprietas est ut inveniatur species armoniarum sensatarum in instrumentis que preparata sunt eis aut per naturam aut per artem. Instrumenta quidem naturalia, sunt epiglotis, . . . deinde nasus. Et artificialia sunt sicut fistule et cithare, et alia. Et opifex

quidem musice active, non format neumas, et armonias, et omnia accidentia eorum, nisi secundum quod sunt in instrumentis quorum acceptio consueta est in eis. Et speculativa quidem dat scientiam eorum, et sunt rationata, et dat causas totius ex quo componuntur armoniae, non secundum quod sunt in materia . . . et secundum quod sunt remota ab omni instrumento et materia . . . Et dividitur scientia musice speculativa, in partes magnas quinque. Prima eorum, est sermo de principiis, et primis quorum proprietas est ut administrentur in inventione eius quod est in hac scientia . . . Et secunda est sermo de dispositionibus huius artis, et est sermo in inveniando neumas, et cognitione numerum neumatum quot sint, et quot species eorum . . . Et tertia est sermo de convenientia que declaratur in radicibus cum sermonibus et demonstrationibus . . . Et quarta est sermo de speciebus casuum naturalium qui sunt pondera neumatum. Et quinta est de compositione armoniarum in summa, deinde de compositione armoniarum integrarum . . . in sermonibus metricis . . . et qualitate artis eorum secundum unamquamque intentionem armoniarum, et docet dispositiones quibus fiunt penetrabiliores, et magis ultime in ultimitate intentionis ad quam facte sunt."

## TABLE 3

FALAQUERA, RESHIT HOKMA (ED. DAVID, P. 46-47)

The science of Music falls into two divisions, that of theory and that of practice.

Musical practice consists in producing audible tones by means of instruments, natural and artificial. A natural instrument is the throat and the organs of the mouth together with the adjacent nasal passages. Artificial instruments are such as harps, psalteries and the like.

The expert at musical practice devises such melodies and harmonies as are customarily extracted from musical instruments because they are latent in those instruments.

Musical theory yields systematic knowledge regarding the causes of melodies and their relationships. It considers melodies not as physically mediated but melodies in general — detached

from all instrumentation or material embodiment. It ponders melody in the abstract, as something heard, regardless of the instrument or the organism that may function incidentally.

Musical theory admits, in turn, of five large subdivisions:

1. The first discourses on the principles used by investigators, on the manner in which those principles are employed, on the way in which research is initiated and the steps by which it is brought to completion, and on the proper methods of inquiry.

2. The second discourses on the elements, that is, on the manner in which melodies are produced as well as on the number and the variety of their modes. This division explains the proportions which melodies bear toward one another. It provides the needed demonstrations. It also considers the various dispositions and sequences by means of which melodies are constructed, thus enabling one engaged in musical composition to choose what he desires.

3. The third division deals with the consonance between the aforementioned elements, discourses, and proofs on the one hand. On the other hand, it deals with the instruments devised for this art and with the production of melodies and their instrumental performance according to the proportions and the sequences explained in division two.

4. The fourth division discourses on the various musical patterns in nature by which melodies are measured, i. e. rhythmic qualities.

5. The fifth division discourses upon the construction of music in its completeness, that is, the adaptation of melodies to words composed with meter and rythm. This division also ponders the question of rendition in accordance with musical intent. It considers what melodies are suitable and adapted to the respective purposes for which songs are designed.

Systematic classification (E. W.) gives us the following:

#### THEORY

1. Principles
2. Arithmetical elements
3. Rules of instrumental composition
4. Rhythmic measures and modes
5. Composition of metrical tunes

#### PRACTICE

1. Teaching of music, to be played on instruments, either natural or artificial.
2. Practical composition of tunes.

## TABLE 4

DOM. GUNDISSALINUS, DE DIVISIONE PHILOSOPHIAE  
(ED. L. BAUR, P. 98)

(In this text we have adapted the common Latin orthography for the sake of convenience.)

Partes vero alias habet theorica, alias practica. Partes practicae sunt tres: scientia de acuto sono et scientia de gravi et scientia de medio. De his enim tractat ostendens utilitatem eorum et comparationes inter se, et quomodo ex eis componuntur cantilenae.

Partes vero theoricae sunt quinque, quarum prima est scientia de principiis et primis, quae debent administrari in acceptione eius . . . secunda est doctrina de dispositionibus huius artis, scil. inveniendi neumata et cognoscendi numeros eorum . . . , tertia est doctrina de convenientia principiorum et de sermonibus et demonstrationibus specierum, instrumentorum artificialium . . . , quarta est doctrina de speciebus casum naturalium, quae sunt pondera neumatum. Quinta est doctrina de compositione armoniarum in summa; deinde de compositione armoniarum integrarum, scil. illarum, quae sunt positae in sermonibus metricis compositis secundum ordinem . . . et qualitatem artis eorum secundum unamquamque intentionem armoniarum. Systematic classification. (E. W.)

THEORETICA	PRACTICA
1. Principia	De acuto sono
2. Dispositiones arithmeticae	De gravi sono
3. Convenientia et compositio musicae instrumentalis	De medio sono utilitates tonorum ac modorum
4. Elementa rhythmica	Melopoiia practica
5. Compositio cantuum metricorum	

Surveying Gundissalinus' classifications, we realize that he, eclectic as he was, employed all three methods of classification. In the quotation above, he copies Alfarabi's *De Scientiis* almost verbatim. Again, in the paragraphs preceding this quotation, he uses Boethius' famous classification of *musica mundana, humana et instrumentalis*. In the paragraphs following this quotation, he employs the evaluative classification given by Alfarabi in



*De Ortu Scientiarum*<sup>62</sup> and by earlier sources, e. g. Isidor's Etymology.<sup>63</sup>

It is clear that Alfarabi had already altered the Greek source somewhat and, what is more, that Gundissalinus had apparently gotten matters mixed. Incidentally, we may mention that Gundissalinus collaborated with a Jewish translator, Johannes Hispalensis.<sup>64</sup>

As a whole, however, we recognize the uninterrupted flow of musical philosophy from the Greeks down to such late medieval authors as Johannes de Muris or Ugolino de Orvieto — through Syrian, Arabic, Jewish, and Spanish writers.

### III

#### PHILOSOPHY OF MUSIC

Since music belongs to the propaedeutic sciences, it is frequently associated with physics. In fact, the interest of Arabic and Jewish philosophers in acoustics exerted a fruitful influence upon the development of musical theory and philosophy. Accordingly, before entering upon the discussion of their philosophical ideas, we shall give a short account of acoustic theories as set forth by the medieval philosophers. In general, these rest upon a valid empirical foundation which, without the help of our modern exact sciences, sometimes lead to surprisingly correct conclusions regarding the nature of sound and of tone.

As with the other natural sciences, the ancient Greeks were the recognized teachers in this field. According to Aristotle, his disciples, and commentators, especially Porphyry, sound is a movement of the air, caused by the percussion of objects that are struck. With the diffusion of the vibrating air in three dimensions — according to Priscian — sound, carried by the air, reaches the ear, unless it is dulled by excessive distances or

<sup>62</sup> Recently Alfarabi's authorship for *De Ortu Scientiarum* has been disputed, cf. Farmer, "A Further Arab-Latin writer on Music" in *JRAS* 1933.

<sup>63</sup> Cf. L. Baur, *op.cit.*, p. 247.

<sup>64</sup> Cf. Steinschneider, *Hebr. Uebers.*, pp. 261, 282, 292.

obstructed.<sup>65</sup> Sound, in contradistinction to music, is due to an unregulated multiplicity of tones. This comes fairly near to our modern acoustic theories.<sup>66</sup>

Turning from the physical to the physiological, we meet the somewhat strange conception that music affects the "humors" of the human body. Here the Arabs and the Jews went far beyond the original Greek idea. The Greeks, as we have seen, asserted a close relationship between music and medicine, ascribing to music a distinctly therapeutic effect both upon body and upon soul. But, while Plato, Aristotle, and the Neo-Platonists were content to state the fact, explaining it by the cathartic and sedative influence of the musical art, the Arabic and the Jewish philosophers went boldly and almost materialistically into physiological details. They emphasized the effect of music on the humors, blood, phlegm, yellow bile, and black bile. Let us compare some of the most significant statements on these points. Leaving aside the many legends of the Greeks, Arabs, and Jews, telling how music cured some highly phantastic ailments, we turn to the ideas which lie behind these stories.

The Greeks linked medicine and music in two different ways:

1. The Pythagoreans consider number and proportion as instruments of the imitative principle (*μίμησις*) which prevails in all of the arts. This is somewhat similar to the thought of the Aristotelians.<sup>67</sup> Thus Music, Medicine and Mathematics employ the same fundamentals; Music in rhythms, intervals and proportions, Medicine in the proportion of the humors and medications, and, particularly, in the mysterious ratios of human pulsation,<sup>68</sup> while in Mathematics, number and proportion are

<sup>65</sup> On the ancient theory of acoustics see: C. v. Jan, *Musici scriptores Graeci*, 3-35, 50 ff.; E. Hommel, *Untersuchungen zur Hebr. Lautlehre*, p. 35 ff.; Diels, *Ueber d. Physikalische System d. Straton*, p. 144; D. Kaufmann, *Die Sinne*, p. 127 ff.

<sup>66</sup> Cf. Saadya, *Emunot W'De'ot*, ed. Slucki, p. 4. (introduction.) Also Alfarabi, *Kitab al musiqi*, ed. D'Erlanger, I., p. 80. (Henceforth *Kitab*.)

<sup>67</sup> Cf. Aristotle, *Metaphysic* I., 6, 987 b 11., οἱ μὲν γὰρ Πυθαγόρειοι μιμήσει τὰ ὄντα φασὶν εἶναι τῶν ἀριθμῶν.

<sup>68</sup> Aristides Quint. elaborates upon the theory of pulsation in true Pythagorean spirit: "The pulsation which corresponds to normal circumstances — analogous to the octave 1:2, or to the fifth 2:3, or to the fourth 3:4, — does

the working material itself. Plato expresses similar ideas in his *Timaeus*.

2. The other link between Music and Medicine is more physiological. It is based chiefly on the term *Katharsis* in a medical sense. Aristotle as well as Galen use this word with the connotation of "purgation." Considering how Jacob Bernays has exhibited the predominantly medical background of the entire cathartic idea, we could characterize this principle as that of a treatment basically homoeopathic.<sup>69</sup> The Neo-Platonists, Proclus and Jamblichos, accepted Aristotle's explanation. Cure was accomplished, according to the *Aristotelian* prescription, by playing, before the insane corybantes, frantic melodies on the orgiastic instrument, the Phrygian *aulos*. Thus, *Katharsis* was brought about *homoeopathically*. The *Pythagoreans*, however, preferred the playing of solemn, soothing melodies for the maniacal listeners in order to impress upon their disorganized souls, the magically numerical and cosmic order, attuning them, as it were, to the proportions of the Universe. This is the type of *Katharsis* that is *allopathic*.<sup>70</sup>

The literature of the Arabs and the Jews discusses only the *allopathic* form of treatment although, in their philosophy, cathartic elements still play a part. But, for therapeutic purposes, Arabs and Jews seem to have relied entirely on Pythagorean principles, which they stressed to the limits of the absurd. Being good physicians, keen observers, and consistent logicians, the Arabs zealously embodied everything in their Pythagorean con-

not necessarily endanger life . . . Those pulsations, however, which present themselves in an entirely non-consonant ratio . . . , are dangerous and may bring death." (ed. Meibom, p. 127.) The entire medieval theory is full of similar statements. Cf. Boethius, *De musica*, (Patr. Lat. LXIII, 1170) who is the chief source for all further speculation.

<sup>69</sup> Aristotle, Pol. VIII, 1341 b 32. We give here part of his report:

"We see that if those insane persons (*ἐνθουσιαστικοί*) listen to enthusiastic melodies which intoxicate their souls, they are brought back to themselves again, so that their catharsis takes place exactly like a medical treatment." He relates how corybantes were cured by listening to corybantic tunes. (*Ibid.*, 1340 b 8.)

<sup>70</sup> Aristides *Quint.* ed. Meibom, (henceforth *AQM*), pp. 103-107.

cept. Accordingly, each musical mode, even each string of their chief instrument, the 'ud, had to be seen *sub specie mundi*. The four seasons, the four humors, the four cardinal virtues, and the four elements had to be embodied in their musical theory.<sup>71</sup>

We find in Honein-Alharizi's *Maxims of the Philosophers* a characteristic statement: "The reason for our making four strings is their correspondence to the four temperaments of which man is composed."<sup>72</sup> The author goes on to associate with every string of the 'ud a special effect upon some special humor. No less specific is Falaquera, and also Saadya who, in his *Emunot we-de'ot* chapter 10 (end), connects every rhythmical mode (Arab. *naghama*, Hebr. נגימה, גנינה) with one humor and one virtue respectively. Since Saadya explains certain technical points in that passage, we shall deal extensively with his statements later on. A highly important source for our subject is also the *Ikhvan es-Safa* from which Saadya may possibly have borrowed.<sup>73</sup>

We quote now a few sentences from the *Ikhvan es-Safa* by way of illustration:

"The musicians restrict the number of the strings of the lute to four,<sup>74</sup> neither more nor less, in order that their work might

<sup>71</sup> Although Greek literature offered the basis for the scheme, it was the more radical Arabs and Jews who tried to link anything and everything to their musical system. Whatever the Christian writers wrote in this fashion was always borrowed from the Arabs, even with the help of Arabic words. Thus, in Odo de Clugny's and in Hucbald's writings occur words like *scembs*, *kaphe*, *neth*, *caemar*, clearly recognisable as Arabic terms. Yet the Christian authors do not know their origin or their meanings. Cf. Gerbert, *Scriptores* I, 249. Even in our day it could happen that a scholar like G. Lange, (on his article on solmization, *SIMG*, I, 539 ff.) did not recognize the Arabic origin of Odo's syllables.

<sup>72</sup> Cf. Texts A XX, 1, and D 2, third question. See *infra* appendix of translated passages!

<sup>73</sup> Cf. Jacob Guttman, *Die Religionsphilosophie des Saadya Gaon*, p. 287 ff., stresses the almost verbal similarity of the *Ikhvan* with Saadya's text in the musical portion. Since Honein is older than both Saadya and the *Ikhvan*, we have to look for a common (probably Syrian) source, from which all the three authors drew. Cf. Baumstark, *Aristoteles bei den Syrern*, I., pp. x-xii.

<sup>74</sup> Cf. Farmer, *An old Moorish Lute-tutor*, p. 38: "Ziryab claimed to have added a fifth string to the lute . . . Naturally, he had to connect it with the cosmic scheme and hence associated it with a fifth nature — the soul. What

resemble the things of sublunar nature in imitation of God's wisdom.

"The treble string is like the element of fire, its tone being hot and violent.

"The second string is like the element of air; its tone corresponds to the humidity of air and to its softness.

"The third string is like the element of water; its tone suggests water-like moisture and coolness.

The bass string is like the heaviness and thickness of the element earth."

Subsequently, the treble string corresponds to the yellow bile, the second string to the blood, the third string to the saliva, the bass string to the black bile, as elaborately explained.

Our source continues: "If one employs these tones in appropriate melodies and uses these melodies at those times of the night or day the nature of which is opposed to the nature of a virulent disease . . . , they assuage the sickness, breaking up its force and relieving the sick ones of their pains."<sup>75</sup>

Thus music was generally considered a strictly allopathic, pain-relieving, or invigorating medicine corresponding to the mixtures of the humors and of the elements. Ibn-Sina refers to these matters frequently in his *Alkanun*.<sup>76</sup> Throughout Arabic literature, the Pythagorean relationship between Astronomy, Music, and Medicine is consistently maintained.

Falaquera's *Mebbakkesh* (39b) closely follows these ideas. This work is a poetic revision of his aforementioned earlier work

would have prompted this association? In the Pseudo-Aristotelian *De Mundo* (393a) we find a fifth element,—ether, which occurs in the *De Musica* of Aristides Quintilianus."

<sup>75</sup> *Ikhwan es-Safa*, ed. Dieterici, (henceforth Diet.) *Die Propaedeutik der Araber*, pp. 126–28. Also *infra*, appendix of translated passages.

<sup>76</sup> The medico-musical system, as accepted by Arabs and Jews, admits of this tabulation.

STRING	ELEMENT	HUMOUR	QUALITY	SEASON
<i>Z̄ir</i> , (treble)	fire	yellow bile	hot	summer
<i>Mathnā</i> , (2nd)	air	blood	humid	spring
<i>Mathlath</i> , (3rd)	water	phlegm	cold	winter
<i>Bam</i> , (bass)	earth	black bile	dry	autumn

*Rešit Hokma*, with a stronger emphasis on the Pythagorean point of view.<sup>77</sup>

The Christian theorists of the thirteenth and fourteenth century, perhaps even earlier, adopted Judaeo-Arabic concepts to such an extent that a considerable influx of semitic theory into the medieval world can not be denied. As an important translator from the Arabic, we have already mentioned Gundisalinus. We give one other example by quoting a passage of Aegidius Zamorensis, an author of the thirteenth century, who in his *Ars Musica* says:<sup>78</sup> "The joining of the elements comes to resemble a harmony such as results from a fitting consonance of strings and a clear combination of tones. The seasons likewise correspond to the elements and vice versa. Air corresponds to Spring, Fire to Summer, Earth to Autumn, Water to Winter. Thus the eternal God grants us seasons, linked with most fitting melodies, in order to alleviate man's labors. Air, furthermore corresponds to Blood, Fire and Summer to Yellow Bile, Earth and Autumn to Black Bile, Water and Winter to Phlegm . . ."

From here it is only a short step, in fact an imperceptible gradation to a detailed and elaborate theory of the influence of music upon the individual emotions. We also find in the Jewish

<sup>77</sup> On the relation between Falaquera, Ibn 'Aḡnin, and Alfarabi, see Farmer, *Alfarabi's Arabic-Latin Writings on Music*, p. 6, 57, where a very clear picture is given. Also Steinschneider, *Hebr. Uebers.*, §12. Thus, Guedemann's assertion of an allegedly Averroes-influence is no longer tenable.

<sup>78</sup> Cf. Gerbert, *Scriptores* II, 376. Of the many fitting instances we selected just this one in order to refute Pietzsch' statement "that this treatise, in contradistinction to the others previously mentioned, does not show a recognizable influence by the Arabian theory" (*op. cit.* p. 95). The connection with the medico-musical theories of the Arabs is quite unmistakable. However, the general extent of Arabic influence upon Western theory is still greatly disputed and some caution in this matter is certainly desirable. Cf. the controversy between K. Schlesinger and H. G. Farmer in his book, *Historical facts for the influence of Ar. Music*. See also O. Ursprung, *Um die Frage nach d. arab. Einfluss auf d. abendländische Mus. d. Mittelalters*, in *Zeitschrift f. Mus.-Wiss.* 1934, p. 129 ff., with whose conclusions we disagree entirely. Cf. Ribera, *op. cit.* chaps. vii-xii. A brief and cautious summary of this disputed question in Reese, *op. cit.*, p. 118 ff., 245 *et passim*. In Ath. Kircher's *Musurgia universalis*, (17th cent.!) we find all of the Graeco-Arabic ideas taken up and elaborated. (*Liber diacriticus*, *Erothema* VI-VIII).



and Arabic authors originally Greek doctrines expanded and augmented. It seems however that, in this field, the oriental nations preferred less of system and more of detail, fewer explanations and more plain statements. There are even more significant differences which we shall consider presently.

We are confronted now with a perennial problem of philosophy and aesthetics, a problem which concerns us today as much as it did three thousand years ago, and a problem which is unlikely ever to be solved objectively. Since it cannot be our task to discuss that problem here, we shall only describe the different attitudes toward the problem found in Greek, Arabic, and Hebrew Literature.

The problem to which we refer poses two chief questions which we shall cite cursorily:

1. Does music express emotions, and if so, how?
2. Does music evoke emotions, and if so, how?

We may, again in a cursory way, name the first question as one relating to the expressive powers of music and the other as relating to the impressive powers. The very approach to these problems differs and shows unique characteristics for Greek, Jewish, and Arabic authors, although the answers frequently sound similar. But these apparently similar answers must not deceive us about the fundamentally different attitudes assumed. The Greeks consider the issue either from the psychological-ethical side exemplified by the Pythagoreans, Platonists, Aristotelians, or from the purely aesthetic-formalistic side as exemplified by the Sceptics and the Sophists. Both questions are answered in the affirmative by the first group, while the Sophists deny at least the first question and restrict their affirmative answer of the second to a few cases. They explain the influence of music upon the emotions by a materialistic theory of the association of words and ideas.<sup>79</sup> Furthermore, the Greeks are

<sup>79</sup> Cf. Abert, *op. cit.*, §4, 5, 9, 11. The problem itself has created an enormous literature, of which we can not here give a comprehensive bibliography. We mention only the works, in which such bibliographies may be found: A. Aber, *Handbuch d. Musikliteratur*, pp. 470-90; E. Kurth, *Musikpsychologie*, (Index). It was this perennial problem, which created the famous struggle for and against Richard Wagner.

far more interested in the second question than in the first. Both questions were answered in the affirmative by Aristotle. To the first he applied the principle of *μίμησις*, i.e. imitation of the emotions. In dealing with the second, he modifies and even contradicts Plato's explicit evaluation or negation of certain modes and their *ethos*.<sup>80</sup>

Very clear in this respect is the doctrine of Aristoxenos, a disciple of Aristotle, who probably gave the first characterization of the three *τρόποι* (styles) viz. the *systaltic*, the *diastaltic*, and the *hesychastic*. The first is described as paralysing human energy. It includes love-songs as well as funereal lamentations. The second is strong and virile, spurs to action and thus becomes the heroic style employed in tragedy. The last is in between. It indicates and at the same time stimulates balance of mind and feeling.<sup>81</sup> We notice here, as a decisive criterion, the effect which music has upon human *will-power*. *A priori* Aristoxenos assumes that music *expresses* the same *ethos* which it is to *evoke* in the listener. In all cases, only such music is supposed to be good which arouses ethical powers and eventually dissipates emotions that are harmful or evil.<sup>82</sup> In short, the Greeks aim not to evoke stormy or violent feelings but to banish them, thus creating a happy philosophical balance of the soul.

Quite different is the Arabic approach and different again the Jewish approach. It is here that we find perhaps the only really important departure of the Jewish attitude from Arabic influence in the entire realm of musical problems. The Arabic writers either consider the question in its psycho-physiological, even in its materialistic aspect, or view it from the lofty tower of their metaphysical or mystical speculations.<sup>83</sup> If we ask which attitude

<sup>80</sup> Cf. Plato, *Pol.* III, 398 C-402. Aristotle, *Pol.* VIII, 7, 1342 a, b.

<sup>81</sup> Cf. H. Abert, *op. cit.*, pp. 67-69.

<sup>82</sup> Cf. Plutarch, *Quaest. conviv.* III, 8th question., c. 2. "The wailing-song and the funeral-flute excite pain and bring about tears, but afterwards attune the soul to compassion, gradually mitigating and annihilating the painful emotion."

<sup>83</sup> Cf. *Arabian Nights*, ed. Lane, p. 400: "Ibn Sina hath asserted that the lover's remedy consisteth in melodious sounds, And the company of one like his beloved . . ." *Ibid.*, p. 129, 302, *et passim*. Compare with this Shakespeare, *Twelfth Night*, I act, 1st scene: "If Music be the food of love, play on! . . ."

in Arabia was not that of the esoteric scholars but that of the people in general, there can be no doubt that the materialistic concept represented the common outlook.<sup>84</sup> The Arabs in general prefer emotional excitement to eudaemonic pacification. The philosophers discarded the sentiment of the masses and adopted much of the Greek ideology even if with some change of emphasis. However, the question of expression in music is deemed important by Alfarabi, though all but disregarded by the Greeks whose distinction between expressive and impressive Alfarabi had adopted.<sup>85</sup>

Arabic thinkers raised no issue about harmful and unpleasant emotions: "Other good melodies evoke such emotions as satisfaction, ire, clemency, cruelty, fear, sadness, regret, and other passions."<sup>86</sup>

While we find some aesthetic speculations in Arabic theory, Hebrew theory, though differing but slightly, is not concerned with aesthetics at all. This, to be sure, is nothing but an *argument e silentio*. Yet, considering the scantiness of Jewish literature in this field, the fact that genuinely aesthetic statements are altogether lacking, might hold some significance. The Jews set another principle as their highest, namely that of the כונה. This applies to medieval scholasticism as well as to the literature of the Cabalists and the Ḥasidim.<sup>87</sup>

<sup>84</sup> Cf. Doughty's statement about the polar nature of Arabic culture which is both rude and refined, containing materialistic and mystic elements at the same time. Also: "Music is in constant connection with everything intoxicating: wine, love, and ecstasy . . ." (Lachmann, *Musik des Orients*, pp. 98-101.)

<sup>85</sup> *Kitab* I, p. 13; also Texts A XX, 3. See *infra* appendix of translated passages.

<sup>86</sup> *Kitab* II., p. 89 ff.

<sup>87</sup> It is with regret that we have to record the lack of serious scholarly efforts in the difficult field of musical elements pervading the literature of the Cabalists and the Ḥasidim. Yet some useful references are given in Idelsohn, *Jewish Music*, pp. 410-434, and *Thesaurus*, vol. X, introduction; A. v. Thimus, *Die harmomikale Symbolik des Allertums*, 2 vols., a very interesting and stimulating, if somewhat confused book, filled with polyhistoric knowledge; A. Farwell, "The Sonata form and the Cabbala," (in *Musical Quarterly* 1941,1); E. Hommel, *op. cit.*, pp. xvi, xxvi, 31, 33, 70, 127, et *passim*.

This antinomy between the Arabic and the Jewish conception of music becomes most perceptible in Maimonides. What we have said about the state of Arabic music in his time sheds a new light on his known *responsum*. It becomes clear that Maimonides had in mind chiefly the exciting and sensual songs of the Arabs and the Arabian Jews.<sup>88</sup>

Maimonides makes three distinctions: 1) He admits that there are some few connoisseurs who study Music as a suitable means of reaching a higher wisdom (the Greek *διανόησις*). But, he continues, one must not base one's conclusions on these individual cases. The laws of the Torah were written not for exceptional people but for the majority. 2) The prohibition of secular music is based on Hos. 9.1; Isa. 5.12; Amos 6.5; and Ber. 24a, emphasizing that, in most instances, music does nothing but excite lust. It makes no difference whether the texts of the songs are in Arabic or in Hebrew; for not the language, but only the content of utterances matters. The Jewish people must become a holy nation, and must avoid everything which does not lead to perfection. 3) The music which is mentioned and even recommended by the Gaonim is of a purely religious character and consists of psalms, hymns, and songs of exultation. Secular music ought not to be tolerated; surely not when it is performed in a tavern and by all means not when performed by a singing female. Elsewhere, however, music as a therapeutic measure<sup>89</sup> receives Maimonides' commendation.

All that separates the ideology of Jewish philosophers from the Arabic view is clearly recognizable in this *responsum*. Maimonides endorses *religious* music. He wishes to eliminate all secular music regardless of the few individuals who study such music in order to achieve a higher wisdom. He stresses the biblical and talmudic tradition and opposes the fashion of his time. In his preoccupation with the religio-ethical effects, Maimonides completely ignores aesthetic appreciation. (The same is true

<sup>88</sup> *Infra* appendix of translated passages. Goldziher, in *MGWJ* 1873 omits consideration of the tendency of Arabic music at the time of Maimonides.

<sup>89</sup> Here it is the *physician* Maimonides who speaks, the faithful disciple of the great Arabic tradition of medicine. Also *infra* appendix of translated passages. Cf. Maimonides, שמנה פרקים, ed. Gorfinkle, p. 30.

as we know, of his attitude toward poetry.)<sup>90</sup> On the whole, Maimonides faithfully reflects the *Platonic* and not the *Aristotelian* viewpoint. Like Plato he gives an ethical evaluation rather than an aesthetic classification.<sup>91</sup> Still there are also some deviations. The highest aim of the Greek philosopher-artist is the world of Ideas. Music is only an instrument for ethical education,<sup>92</sup> and has all but lost its religious function. The highest goal of Maimonides, on the other hand, is the intellectual and ethical perfection which leads to the prophetic perception of the Divine. Music may, in some cases, conduct one to this goal. Nonetheless, music has no place in ethical training. Thus there

<sup>90</sup> Many centuries later, a truly Christian philosopher, a stranger to his own contemporaries, displayed a somewhat similar attitude toward music. In Kierkegaard's *Entweder Oder* we meet striking resemblances to Maimonides. But the Danish thinker grants us a choice only between the beautiful and the good, which becomes not a little difficult, when Kierkegaard makes Mozart his champion of beauty.

<sup>91</sup> We set the typical statements of both Plato and Maimonides side by side.

Plato, Legg. II 668 A, Pol. III. 398 C,  
Pol. II. 376 E, Legg. II. 669 *etc.*

Then, when anyone says that Music is to be judged by pleasure this cannot be admitted; and if there be any Music of which pleasure is the criterion, such Music is not to be sought out or deemed to have any real excellence but only that other kind of Music, which is an imitation of the good. The chief place of Music is in the *paideia*. (Transl. by Jowett, IV, p. 197.)

Maimonides, Responsum on Music

Secular Music is to be prohibited, because it arouses lust and wickedness. Music of a religious character and Music leading to ethical wisdom is permitted. The only decisive criterion of Music's value is its religious-ethical essence. The chief place of Music is in the synagogue, and generally, in worship.

<sup>92</sup> *Au fond* Plato seems to have cherished the same ideas as Maimonides regarding the religious functions of Music, although he is not quite as outspoken on this issue, and clothes his conception in the form of a historical report. He says: "Among us and our forefathers . . . Music was divided into various classes and styles; one class of song was that of prayers to the gods, which bore the name of *hymns*; contrasted with this was another class, best called *dirges*; *paean*s formed another; and yet another was the *dithyramb*, named, I fancy, after Dionysos". . . (Plato, *Legg.* III, Transl. by Bury, vol. I, p. 245)



are two different levels on which music appears as a spiritual force. It is hard to avoid associating the position of Maimonides with the function of music in the troops of ancient prophets, where it aroused the *נבואה*, the prophetic inspiration.<sup>93</sup> Maimonides refers in fact to the story of the prophet Elisha: "But now bring me a minstrel. And it came to pass, when the minstrel played, that the hand of the Lord came upon him."<sup>94</sup> This incident is mentioned in the philosophies of music throughout the ages, together with references to David, Miriam, and Asaph. The Church Fathers took over the practice and passed it on to the philosophers as an irrefutable proof that music has divine potentialities.<sup>95</sup> Jewish literature also refers to this frequently.

We shall limit ourselves to three quotations which elucidate and confirm our interpretation of Maimonides' allusion.

1. Isaac ben Abraham Latif, *Ginze Hamelek*, chap. 15. "After this science (Geometry) there follows the science of Music which is a propaedeutic one, leading to improvement of the psychological disposition as well as to

<sup>93</sup> Maimonides mentions the story of Elisha while discussing the nature of prophecy. Cf. *More* II, 32. Cf. Plotinus' great conception of the chanted prayer: "The tune of an incantation, a significant cry . . . these too have a power over the soul . . . similarly with regard to prayers; the prayer is answered by the mere fact that one part and the other part (of the All) are wrought in to one tone like a musical string which, plucked at one end, vibrates at the other also . . ." (Mackenna, *Plotinus on the Nature of the Soul*, p. 96.)

<sup>94</sup> Dr. Morgenstern, in his illuminating "Amos-studies III," looks upon the Elisha story from quite a different angle: "And in order to divine for them as requested Elisha proceeded to work himself into a state of ecstasy, in accordance with the customary technique of the professional prophets, by having a musician play in his presence. The significance of this procedure is unmistakable. Within two years after the death of Elijah Elisha had fallen from the high level of prophetic standards and technique of his great master to the much lower level of the professional prophets . . ." (*HUCA* XV., p. 228.)

<sup>95</sup> Of the innumerable references to the stories of David or Elisha, we mention here only three of the most characteristic ones from Christian sources.

- (1) *Joanni Damasceni vita a Joanne Hierosolymitano conscripta* (*Patr Graeca*, vol. 94, 473.)
- (2) Regino Prumiensis, (d. 915) in *Patr. Lat.*, vol. 132, 490.
- (3) Roger Bacon, *Opus maius*, (transl. by R. B. Burke, I., 259 ff.). Here the philosopher confounds the name Elisha with Elijah!



understanding of some of the higher intellectual principles, as was manifest in the case of Elisha, when he said: 'But now bring me a minstrel'. . ."<sup>96</sup>

2. With more elaboration, Ibn 'Aḡnin states: "And we discover that those who desire the spirit of prophecy employ musical instruments, playing them when they desire the vision. The instruments bring about keenness of mind and judgement, and invigorate the mental faculties for the reception of spiritual wisdom. It is said: 'Thou wilt come to Gibeah'. . ." Here Ibn Aḡnin refers to the story of Saul and the prophets. (I. Sam. 10.5). Then he continues: "And Elisha, the prophet, could not attain to the prophetic vision, because he was in a rage against the king of Israel, and the prophetic vision did not come because passion had prevailed over spiritual perception. Therefore he told them: 'Bring me a minstrel'. . ."<sup>97</sup>

3. Then there is Falaquera who, in his *Mebbakesh*, assigns a primacy to the religious function of music as he had not done in his earlier work *Rešit Hokma*. Falaquera stresses this point as follows: "Know, my son, that one of the reasons why the wise men cultivated the science of music was their use of it in their temples of worship, when they brought their offerings. They also employed melodies for their prayers and for the praise of the Creator. Some of these tunes affected the heart to such an extent that whoever heard them concentrated his mind, repented, and turned away from his sins." Later he reports: "They assert also that as soon as the soul hears music congenial to its own nature . . ., it yearns for its Creator, longing to reach Him. It subsequently contemns the miseries . . . of the temporal world . . . and meditates upon the world supernal."<sup>98</sup>

When it comes to the *doctrine of virtue*, the interrelationship between philosophy and music becomes even more pronounced. A realm almost mystical opens up before us when we consider the Neo-Platonic philosophy of the movements of the soul as affected by music. Here Greek, Arabic, and Jewish views converge. We confront an eclectic syndrome of ideas from Plato, Aristotle, Porphyry, and Plotinus. In one and the same work,<sup>98a</sup>

<sup>96</sup> See our Texts E.

<sup>97</sup> Cf. Guedemann, *op. cit.* p. 97/8.

<sup>98</sup> See our Texts D 2.

<sup>98a</sup> Honein — Alharizi's *Maxims of the Philosophers*.

we may find the views of all four philosophers resting peacefully side by side. We give but one example: "Living in solitude, the soul sings plaintive melodies (emphasizing the vanity of the world) whereby it reminds itself of its own superior world. As soon as Nature (the physical world) sees this . . . she presents herself in various forms, introduced one by one to the soul, until she finally succeeds in recapturing the soul. The latter, busy with wordly affairs, soon forsakes its own true essence and abandons that which is sublime in composition and in the rhythm of artistic melodies. At last . . . , the soul is entirely submerged in Nature's ocean."<sup>99</sup>

Very similar ideas may be found in Aristides Quintilianus who describes the soul's solitude, the cathartic influence of music upon it, and the temptations, such as those offered by tawdry pleasures,<sup>100</sup> that keep it from perfection.

Alongside of this grand and lofty vision, we find strictly Platonic theories like those in chapter 19:15,<sup>101</sup> and particularly 19:11, which illustrate doctrines stressed in the *Republic*.<sup>102</sup> Aristotelian thoughts are also not missing: "As soon as the melody disappears, the hearers remember it and yearn for it and do not find repose until they have repeated it several times, by which repetition the soul finally obtains rest, pleasure, and relief."<sup>103</sup> Completely Aristotelian also are maxims 19:19, and 18:5, all in the *Maxims of the Philosophers*.

The materialistic views seem to be genuinely Arabic.<sup>104</sup> In the

<sup>99</sup> See our Texts A XVIII, 8. This thought might in a more general form occur in Schopenhauer's *Welt als Wille und Vorstellung*. Cf. Rosenthal in *HUCA* XV., p. 468. See *infra* appendix of translated passages.

<sup>100</sup> Cf. *AQM*, p. 184.

<sup>101</sup> Cf. Plato, *Timaeus* 67 B; also Gellius, *Noctes Atticae* V., 15.

<sup>102</sup> The famous passages of Plato's *Republic* III 398 C ff. breathes quite the same spirit, also Legg. II. 669 C. It was these intolerant statements that provoked the sharp opposition of Aristotle and Aristoxenos.

<sup>103</sup> Cf. Ps.-Aristotle, *Problems* XIX., 5, 40.

<sup>104</sup> Cf. Lange, *The History of Materialism*, (transl. by Thomas), p. 177. "Mohammedanism is more favorable to materialism than Christianity or Judaism." Also p. 181: "They (the Arabs) set to work with a independent feeling for exact observation, and developed especially the doctrine of life, which stands in so close a connection with the problems of materialism."

Hebrew sources, such are almost entirely missing.<sup>105</sup> Details about the individual virtues, so extensively pondered by the Greeks, are but rarely found in Jewish literature. On the other hand, the Arabs, particularly Alfarabi and Ghazzali, reared a considerable hierarchy of the virtues that music was believed to promote.<sup>106</sup> Once more, it is Saadya who follows the Arabic way. The virtues, according to Saadya, are power to reign, fortitude, humility, joy, and sorrow(!). Saadya closely connects these virtues with the physiological theory which we have already noticed, the theory of the effect which music has upon the humors. In general, Saadya follows the *Maxims of the Philosophers* (20,1) and shows striking similarities to the *Ikhvan*.<sup>107</sup> However, he does not refer to those virtues which Plato "standardized:"<sup>108</sup> σοφία, σωφροσύνη, δικαιοσύνη, ἀνδρεία. As for the rest, Hebrew literature prefers to stress the virtues that are dianoetic or prophetic, apparently assuming that the practical virtues, the ordinary or civic ones, were already achieved by the performance of the מצוות.

If we ask which element of music was supposed to possess the greater ethical power, melody or rhythm, we must answer without hesitation: rhythm. On this point, Arabs, Greeks, and Jews agree completely. That this view has generally been accepted, we can see from all of the later Greek and Arabic writers.<sup>109</sup> Saadya's entire theory is based on the rhythmical constructions common in Arabic theory.<sup>110</sup>

<sup>105</sup> The only inklings of materialistic reasoning are such as might be found in Saadya and Falaquera. Yet, in both instances, the materialistic trend of thought is more than counterbalanced by a strong emphasis on religious principles.

<sup>106</sup> Cf. Ribera, *op. cit.*, p. 90 ff.

<sup>107</sup> *Supra*, note 73.

<sup>108</sup> Plato, *Res publica*, (Pol.) IV., 441 C. See also Texts A XVIII, 6.

<sup>109</sup> Aristotle, *Poetics* chap. i, also *AQM* p. 31 very clearly.

<sup>110</sup> This fact has been overlooked by all writers on Saadya; perhaps because the passage about Music is a "rather dark one" (Steinschneider), "offers difficulties" (Guttmann), "has not been properly explained" (Malter.) In view of Saadya's emphasis upon rhythm, the statement of P. Gradenwitz (in *MGWJ* 1936, p. 463) that the Rabbis unanimously objected to rhythmical music, cannot be upheld.

The *Maxims of the Philosophers* recount manifold and varied effects, supposedly produced by music, but not belonging to the category of philosophy or *ethos*. It is not easy to bring these "tall stories" under a common denominator. In most cases we find that these tales are ancient and famous. We cite here a few examples:

The stories of the magic effect of music upon animals are very old and go back to the legends of Orpheus and Arion. They belong to the Pythagorean stock in trade.<sup>111</sup> Rams, dogs, dolphins, swans, and — grasshoppers! — were considered music producing creatures.<sup>112</sup> We find the grasshopper story repeated in Falaquera's *Mebakkesh*; it goes back to Strabo, Diodorus, and Pausanias.<sup>113</sup> Plato and Plutarch, as well as all of the others, mention the correct explanation, namely the sound resulting from the rapid vibration of the wings. That camels are stimulated by music, as told throughout Arabic literature, is probably based upon the fact that camel drivers used specially rhythmical songs to keep their animals going.<sup>114</sup>

Other legends tell of the invigorating effect of music upon entire armies, upon individual warriors, and upon race horses, and the like.<sup>115</sup> In most cases the explanation is simple: the equable rhythm of martial music and the shattering blasts of trumpets operate as directive signals effecting a coordination of movement among the hearers.<sup>116</sup>

<sup>111</sup> In all of these legends magical ideas play an obvious part. A good collection of all of the Greek musical myths is to be found in Burney's *General History of Music*, I., p. 150 ff. See also Combarieu, *Musique et Magie*.

<sup>112</sup> Tragedy means "song of the goat;" Dolphins are glorified with regard to music by Pliny, IX., cap. 1, Herodotus, and Plutarch. Swans, the prophetic birds, are considered most musical by Plato, (*Phaidon*), Aelian, and many others. Cf. Burney, *loc cit.* See also W. Bacher, *Nizami's Alexanderbuch*, pp. 78–80.

<sup>113</sup> Cf. Burney, *op. cit.*, p. 161.

<sup>114</sup> Cf. Diet., p. 103. Also Texts A XIX, 6; Bacher, *op. cit.*, and Texts D 2. *Infra* appendix of translated passages.

<sup>115</sup> All these stories are probably as old as music itself. We shall consider the sources of some of our anecdotes in chap. VII.

<sup>116</sup> See our Texts A XX. 5, 6. *et passim*. *Infra* appendix of translated passages.

The comparison between the effects of music and of wine appears many times and in many places and is, beyond doubt, very ancient. Our first record seems to come directly from Pseudo-Aristotle (Probl. XIX,43). More outspoken is Plutarch: "We see that wine, like music, having intensified courage and strength, calms and soothes reason, so that when one has overcome drunkenness, one finds one's self at rest."<sup>117</sup> It is an old saying: *Cantores amant humores*.<sup>118</sup>

#### IV

##### THE HARMONY OF THE SPHERES

Closely related to the *ethos* doctrine is the venerable principle of the harmony of the spheres.<sup>119</sup> This ancient and beautiful conception was, as we know, one of the key-stones of Pythagorean cosmology. But today it has begun to appear that the idea of sounding spheres originated much earlier, in Egyptian, perhaps also in Babylonian culture. Apparently, it belonged to the *esoteric* doctrines of the priestly classes. Only in Greek philosophy does this conception step out into the light of public discussion. The Greeks incorporated the idea into the general principle of harmony within the universe and within the human soul.

For Plato's cosmogony, harmony in its widest sense is an indispensable element.<sup>120</sup> Plato's allusion to the dance of the stars and to their perfect proportions represents a distinctly Pythagorean trend of thought. Aristotle was the only great philosopher

<sup>117</sup> Plutarch, *Quaest. conviv.* III., qu. 8, c 2.

<sup>118</sup> Cf. Mose ibn Ezra, *Sepher ha-Taršiš*, ed. Ginzburg, Berlin 1886, p. 31: היה מוין לקול ערב בעונבו ושכרה על דבר נגון וזמר ולחנו נפלו עופות ומאין רשתתו נתפשו . . . אקו וזמר.

<sup>119</sup> How inseparably these two conceptions are connected may be seen. in the following juxtaposition of sentences: "*Coelum ipsum sub harmoniae modulatione revolvitur. Musica movet affectus.*" (Isidorus Hisp. in *Gerbert, Script.* I 20 b.)

<sup>120</sup> Cf. Plato, *Timaeus* 34 B ff. Pol. VII, 530. The word *χορείον* used in *Timaeus* 40 c can be understood only as the rhythmic motion of the heavenly bodies.

of his time who energetically combated the idea, although he did acknowledge its fascinating beauty.<sup>121</sup> Of the later thinkers, the Neo-Platonists and the Pythagoreans again stressed this conception. Thence it found its way into the astronomy and the music of the dying ancient world.<sup>122</sup> Ptolemy and Aristides Quintilianus fashioned very concrete and mathematically elaborate systems, of cosmic harmony, developing some of the ideas of Nicomachus of Gerasa.<sup>123</sup> The last mentioned was one of the many Syrian writers who formed the bridge between Greece and Arabia over which Pythagorean doctrines traveled.<sup>124</sup>

The theory of cosmic harmony was not altogether as popular with the Arabs or with the Jews as it had been with the Greeks. Hence the concept of *spheric* harmony, fitting so beautifully into the general *ἁρμονία κόσμου* of the Greek philosophers, while accepted and mentioned by the Arabs, was not greeted by them with much enthusiasm.<sup>125</sup> Alfarabi, for one, opposed it. He vents his feelings against this doctrine in the words: "The opinion of the Pythagoreans that the planets and stars produce harmonious sounds in their courses is erroneous."<sup>126</sup> Nevertheless, most of the Arabic authors adhered to the ancient idea, notwithstanding Alfarabi's great prestige. It became a cherished tradition abandoned unwillingly, even when not accorded much weight.

Different from this is the attitude to be found in Hebrew literature. Allusions to the harmony of the spheres appear already in the Bible. The Talmud also accepts the theory, though not

<sup>121</sup> Cf. Aristotle, *De caelo*, chap. ix, 290b 12.

<sup>122</sup> Cf. Heath, *Aristarchus*, pp. 105-115.

<sup>123</sup> Cf. Ptolemy, *Harmonics*, ed. Düring, III., chap. xvi-ixx; *AQM* III., pp. 145-155; Nicomachus Gerasenus in v. Jan, *Script.*, pp. 230-43, 272, 276-80, *et passim*. A survey of the entire ideology is given in Piper, *Mythologie und Symbolik der christlichen Kunst*, I., pp. 245-75.

<sup>124</sup> It is significant that three of the most important authors on music in Greek were Syrians, viz. Nicomachus of Gerasa, (ca. 100 A.D.), Porphyrius of Tyros, (ca. 260 A.D.), and Jamblichus of Coelesyria, (Palestine, ca. 310 A.D.). Also *infra* in Chap. vi.

<sup>125</sup> Except the *Ikhwan* which, being fervently Pythagorean, stresses to the utmost the conception of spheric harmony. Cf. Diet., pp. 162 ff. On Al-Kindi's attitude see Steinschneider, *Alfarabi*, p. 80.

<sup>126</sup> Cf. *Kitab*, I., p. 28.



in a straightforward unequivocal way.<sup>127</sup> Jewish literature, accordingly, links the harmony of the spheres to biblical and talmudical authorities rather than to a supposed harmony of the universe. If a Jewish writer was, in addition, inclined toward Pythagorean ideas, he would naturally support those ideas with the available biblical statements. Philo is the most vigorous advocate of the Pythagorean idea among the earlier Jewish philosophers. To him, the heavens are the archetype for all musical instruments. The purpose of the musical structure of the cosmos is to provide the accompaniment for hymns of praise. The seven planets are compared to the seven strings of the lyre.<sup>128</sup>

Among the texts considered in this article, only Falaquera (in his *Mebakkesh*) and Latif affirm the harmony of the spheres, though the latter alone supports the theory by biblical citations.<sup>129</sup> In his earlier work *Rešit Hokmah* Falaquera follows Ibn 'Aḳnin almost verbatim or rather Ibn 'Aḳnin's source, Alfarabi's *De Scientiis*, not even mentioning cosmic harmony.<sup>130</sup> It appears that Falaquera later became more friendly to the old Pythagorean theory. As for Latif, it is characteristic that he constantly emphasizes the esoteric nature of his ruminations: "The psalmist has spoken cryptically . . . I can explain no more . . . This speculation can be grasped only by those who are initiated into both sciences."<sup>131</sup> The Neo-Platonists, Moses ibn Ezra and Abraham ibn Ezra, both accepted the doctrine. The first acclaims it in his poems;<sup>132</sup> the latter, less ardent, is content with one or two

<sup>127</sup> Ps. 19.1; 93.4, 96.11, 97.6. Job 38.7, 38.37. Ezek. 1.4, 1.22. bJoma 20b, 21a.

<sup>128</sup> Cf. Philo, *De somn.* III., 212/13. 'Ο τοίνυν οὐρανός, τὸ μουσικῆς ἀρχέτυπον ὄργανον, ἄκρως ἡρμოსθαι δοκεῖ δὲ οὐδὲν ἕτερον ἢ ἵνα οἱ ἐπὶ τιμῇ τοῦ τῶν ὅλων πατρὸς αἰδόμενοι ὕμνοι μουσικῶς ἐπιψάλλοντα. Elsewhere he states that the idea of cosmic harmony has been developed by the Chaldeans. See also H. Abert, *Die Musikanschauung des Mittelalters*, p. 39 ff. Also I. Heinemann's article Philo in Pauly-Wissowa's *Realencycl. des klassischen Altertums*.

<sup>129</sup> Cf. our Texts D 1.

<sup>130</sup> Cf. Brockelmann, *op. cit.* Supplem. I, p. 377. Also *infra* chap. VII. The decisive word in that matter was spoken by Farmer, *Alfarabi's Arabic-Latin Writings on Music*.

<sup>131</sup> Cf. our Texts E.

<sup>132</sup> Moses ibn Ezra writes in a *piyut* for (שחרית) . . . מלאכת צבא . . . קדושה ד' ה' מלאכת צבא . . . שוכני שמים בומר יענו בקול.

mentions of it. Strangely enough, of all biblical passages alluding to cosmic harmony, Abraham ibn Ezra chooses Ps. 93.4, while he misses such inviting opportunities as those offered by Job 38.7 or 38.37.<sup>133</sup> Simon Duran also broaches the ancient idea in the same connection.<sup>134</sup>

The most consistent and significant opponent of the entire doctrine is Maimonides; in his *Moreh* he unequivocally expresses his antagonism.<sup>135</sup> Thus we arrive at the surprising conclusion that philosophers of the greatest consequence in their respective lands viz. Aristotle, Alfaraḇi, and Maimonides were sceptical of or even inimical to the theory of cosmic harmony. To what extent the latter two did or did not follow Aristotle in that question, is a problem with which we shall not deal. Yet the attitude of these thinkers did not deter later generations from returning to the old Pythagorean track. In Hebrew literature, however, Maimonides almost set a standard on this issue, so that the principle of

<sup>133</sup> Cf. Abr. ibn Ezra to Ps. 93.4. מקולות מים רבים: יותר מקולות מים רבים. שהם אדירים שהם משברי ים יותר אדיר השם במרום וזה לאות כי לגלגלים קולות וכן כחוב ביחזקאל כקול מים רבים ואלה הקולות לא ישמעו החרשים כאשר לא יביטו העורים מעשה 'ותנועתם היא רנחם ותרועותם'. To Job 38.7 he says simply: 'מי יספר: פירושו מספיר מי שם אותם כספיר כענין כראי מוצק ויש אופרים . . .'. To Job 38.37

<sup>134</sup> Cf. Simon Duran, *Magen Abot*, 52 ff.

<sup>135</sup> Maimonides, *More* II, #8, (chap. xxxii.) We may realize here to what an extent the different translations of a single Scriptural verse have influenced philosophy. The passage, Job 38.37 says: 'מי יספר שחקים בחכמה ונבלי שמים מי ישיב'. Vulgate: *Quis enarrabit coelorum rationem, et concentum coeli quis dormire faciat?* Authorized version: Who can number the clouds in wisdom? — or who can stay the bottles of heaven? The interpretation of the Vulgate may be found also in Hebrew literature; Cf. Abr. ibn Daud, Commentary on *Sefer Yezirah*, chap. i, f. 27, col. 3, where נבלי שמים is derived from נבול ונור. See also Steinschneider *HB* XIII, 35. The Christian philosophers refer to the Vulgate version, which is their chief basis for the doctrine of spheric harmony. Cf. Boethius, *De Musica*, *Patr. Lat.* LXIII, 1171. Also Aurel. Reomensis, in Gerbert, *Scriptores* I., 32, who refers to the passage from *Job* and to the seven *voces* of the planets, linking them to the eight musical modes of the Church. This idea occurs also in cabalistic literature in connection with Ps. 29.2-9, where the seven voices of God are interpreted in quite the same manner. Allusions to the astro-musical idea are very frequent. Kepler himself defended this theory in his *Harmonice mundi*, and Shakespeare refers to it in the beautiful passage, *The Merchant of Venice*, Act V, sc. 1.

spheric harmony was abandoned by most of his followers.<sup>136</sup> It appeared instead in the camp of his antagonists, i. e. in the literature of the Cabalists. There it received the utmost elaboration throughout the following centuries. We cannot discuss these sources here, for the position of music in the esoteric literature of the Jews would take a special study. It may suffice to refer to the many commentaries on the *Sefer Yezirah* and on the Zohar, in all of which the principle of spheric harmony plays an important part.<sup>137</sup>

## V

### MUSICAL THEORY

The struggles over the esthetics of music present a spectacle of fiery dispute. Alongside of the conflict over the respective rankings of secular music and sacred music, the theory of music was itself a field of debate. Theory in the middle ages, though always lagging behind living music, either dominated living music or did not concern itself with the practice of music at all.

Up to this point, we have surveyed not musical theory proper but, so to speak, the theory of theory, i. e. the philosophy of music. We occasionally inserted a word of caution that, so far as we know anything about the subject, it is difficult to harmonize the speculations of the philosophers with actual practice. Instead of receiving the bread of living craftsmanship, we have sometimes been fed with the stones of speculation. But now we have finished our study of mixed ideologies and may proceed to consider musical theory itself. As music formulated its own autonomous laws, many of the ideas which were often the product of mystic speculation yielded to common sense. The full fruits of this painful process did not mature until the seventeenth cen-

<sup>136</sup> Cf. Steinschneider, *Alfarabi*, p. 244, (note to p. 80.)

<sup>137</sup> Cf. A. v. Thimus, *Die Harmonikale Symbolik des Altertums*. The entire second volume is devoted to the acoustic and harmonic ideas of cabalistic literature. I have to confess, however, that, in spite of the tremendous amount of material, accumulated by the author, and the many astonishing ideas he presents, the work as a whole did not convince me.

ture. Meanwhile music lost its universal all-embracing import, and that loss was by no means trivial.

Pythagoreanism (which may certainly be called a religion) and likewise Judaism forced all musical thinking into a cast-iron frame of cosmological, ethical, and theological postulates, ignoring the aesthetic entirely. Early Christianity and Islam faithfully imitated this ascetic pattern. Not until the tenth century do we find the inception of independent thinking among the musical theorists of the Christians, Arabs, and Jews. Even these base their ideas, without exception, upon the ancient Greek assumptions.

In concrete musical descriptions, our original sources are poor. Whenever we are in need of additional knowledge we have to turn to Arabic literature for analogies. There is, besides, almost an entire lack of musical notation. Later we shall deal with the very few instances of notation extant.

#### TONAL SYSTEM, INTERVALS AND THEIR CALCULATION

We must distinguish between the theoretical system of the scale, and that of the usual modes (*Gebrauchstonleiter*). From our Hebrew sources we know only of a diatonic system of eight tones within the octave.<sup>138</sup> Of chromatic systems we have no sign at all, which does not mean of course that such did not exist. The eight tones were naturally connected with numerological speculations in the manner of the Greeks and Arabs. While we are well informed about the computation of the intervals within the theoretical system, we know almost nothing about the structure of the usual modes. That modes existed and were regarded as an important part of music, we shall show later on. But beyond this, everything is obscure.

<sup>138</sup> Cf. Latif's (Texts E) Interpretation of Ps. 29.4-9; all of this is paralleled by the Christian interpretation of Vergil's verse: (Aen. VI, 545 f.)

"*Nec non Thraecius longa cum veste sacerdos  
obloquitur numeris septem discrimina vocum*"

This quotation descends through most of the Christian theorists down to the XVth century. See *infra* appendix of translated passages!

Arabic literature on the theory of music is more extensive than Hebrew literature on that topic. Still, it is difficult to acquire from the numerous descriptions of Arabic music by Arabic writers anything like a consistent picture while, owing to the dearth of extant sources, the situation with the Hebrew writers is still worse. Jews as well as Arabs speak clearly and unequivocally only in one regard, namely, in matters involving mathematics — above all, in the computation of intervals; this being a field in which the Arabs, chiefly Alfarabi have pioneered. We regret that we can not credit the Jews with having equalled or excelled them. Quite to the contrary!

Jewish calculation of intervals is as complex as it is poor by comparison with the methods of Euclid or Nicomachus, not to mention a master like Ptolemy. This calculation is based upon the Euclidian division of the fundamental string into overtones (superparticulars) which produces the intervals. With the octave, ( $\delta\iota\alpha\ \pi\alpha\sigma\omega\nu$  =  $\text{ככול}$   $\text{יחס אשר}$  = *bi-l-kull*) the fifth and the fourth the chief concern, the imperfect consonances are neglected. The Arabs were in this respect much more thorough, for they employed, besides the division of the octave, also the various divisions of the fourth, from which Alfarabi deduced the three favorite genera of Arabic music based strictly on Greek theory.<sup>139</sup> The Arabs also knew the mathematical proportions of all of the other intervals within the octave itself. The Jews added to this simple division a great deal of somewhat clumsy calculation attempting to formulate the mathematical rule of the progression of overtones,  $\frac{n+1}{n}$  (Fifth =  $1 + \frac{1}{2} = \frac{3}{2}$ , Fourth =  $1 + \frac{1}{3} = \frac{4}{3}$ ).<sup>140</sup> One of our sources, Isaiah ben Isaac, could not express himself as technically as he perhaps wished, because his work, a commentary to Ibn Sina's *Alkanun*, was not for musicians or mathematicians but for physicians. An advance beyond Isaiah ben Isaac is achieved by Abulafia who investigates the relations of the two

<sup>139</sup> *Kitab*, p. 55.

<sup>140</sup> Cf. Texts G.

Farmer's remark (*Facts on Arabian musical influence*, p. 68.) about the "thoughtful animadversion of Euclid by Isaiah b. Isaac" is well-meant, but gives the Hebrew author undeserved credit. See *infra* appendix of translated passages!

consonances (combined proportions) to each other.<sup>141</sup> He too neglects the intervals of the third and the sixth, probably because these intervals were of no consequence in a music which lacked chords almost entirely.<sup>142</sup>

#### CONSONANCE AND DISSONANCE

To this subject, our only reference is one passage in Isaiah ben Isaac. The octave, of course, is considered the perfect consonance. Some hidden allusions to the value of the various consonances or dissonances are scattered through cabalistic literature.<sup>143</sup> Already in the manuscripts of the fifteenth century, the entire Western theory of consonances is accepted by the Jews.

#### MODES, TROPI, STRUCTURAL LAWS OF MELODY

a) *Modes of melody.* We have evidence of the existence of various melodic modes in the theory of the Jews. In fact, it would be almost a miracle if the Jews did not employ modes, for we know today that the principle of modality was prevalent in the entire world of the Near and Middle East, including Greece. Saadya tries hard to prove that already the Levites of the Temple used a system of eight distinct modes for their rendition of the Psalms.<sup>144</sup> Elsewhere Saadya states that certain Psalms had to be sung in specific and unchangeable modes, in accordance with their respective superscriptions.<sup>145</sup> The theory of modality is more

<sup>141</sup> Cf. Texts F. See *infra* appendix of translated passages!

<sup>142</sup> *Infra* on Harmonies!

<sup>143</sup> Cf. A. v. Thimus, *op. cit.*, chap. 3 and 4. Kiesewetter's contemptuous remark, (*op. cit.*, p. 25) that the Arabs valued the consonances only according to their arithmetical relationship is unacceptable. For one thing the Arabs employed other criteria as well, such as the psychological effectiveness of intervals and scales. On the other hand, the arithmetical criterion is ample, since the more perfect consonance is always represented by the simpler proportion. See also R. Lachmann, *op. cit.*, p. 51.

<sup>144</sup> Galliner, *Saadya's Psalmuebersetzung*, p. 22. Also S. H. Margulies, *Saadya's Psalmuebersetzungen*, pp. 13, 22.

<sup>145</sup> E. Cohn in *Magazin fuer die Wissenschaft des Judentums* 1881, p. 65/66. "Die zweite Anordnung war, dass gewisse Psalmen nach einer bestimmten



clearly announced by Latif who connects the tone of the octave with the eighth mode and, at the same time, with the superscription 'Al Hašminit.<sup>146</sup> Nowhere can we find a definition of the term "mode" (נְעִימָה, נְעִימָה, קוֹל, מִין הַנִּיּוֹן, נְעֻנּוּעַ, Arab. *naghama*, *aṣābi'*, *maqām*).<sup>147</sup> Modern musicology identifies "mode" with the Arabic *Maqam*, or the *Byzantine-Syriac* ἡχος = *ikhadia* of which Idelsohn gives a highly valuable description.<sup>148</sup> Mode may be explained, in short, as a fixed pattern of a melody containing certain motives. These have the respective functions of beginning, ending, conjunction, and disjunction.<sup>149</sup> The composer's task is that of arranging the pre-existing motives according to his ideas and according to the rules of the respective *Maqam*, embellishing them and grouping them. The composer has to adhere, however, to the particular properties of his chosen *Maqam*. Thus, "*Maqam* exists only in the sense of a Platonic idea" (R. Lachmann).<sup>150</sup> The individual melodies (לַחַן = Ar. *lahan*; נְגִינָה = Ar.

Tonart, die nicht veraendert werden durfte, gesungen werden sollten, je nachdem eine solche Melodie in der Ueberschrift angedeutet ist. Der Ausdruck נְגִינָה bezeugt *eine bestimmte* Sangesweise."

<sup>146</sup> Cf. Texts E. See *infra* appendix of translated passages.

<sup>147</sup> *Infra* on Terminology. Cf. also Idelsohn in *MGWJ* 1913, 314 ff., and Bacher in *REJ* Vol. 50, viii ff.

<sup>148</sup> Cf. Idelsohn in *SIMG* XV, p. 11 ff. The vast field of modality contains an equally large literature of which we can cite here only the standard works:

Syrian modality : Dom Jeannin, *Les chants liturgiques de Syrie*

Byzantine modality: Wellesz, *Byzantin. Musik*

Arabian modality : Idelsohn in *SIMG*, *loc. cit.*

v. Hornbostel in *SIMG* VIII, p. 1 ff.

R. Lachmann, *op. cit.*

R. Lach, "Die vergleichende Musikwissenschaft," in *Sitzungsberichten der Akad. d. Wissensch., Wien*, vol. 200, 1924.

Gregorian modality: P. Wagner, *Die Greg. Melodien*, III.

A. Gastoue, *l'origine du Chant Romaine*.

Jewish modality : *Thesaurus*, I, IV, V, VII. (Idelsohn)

Werner, "Preliminary Notes," in *HUCA* 1940.

<sup>149</sup> This system is closely related to the idea of the Bible accents, (נְגִינָה) which are also divided into conjunctive, disjunctive, and ending signs.

<sup>150</sup> Lachmann, *op. cit.*, p. 59.

*ghinā*) are but the various images of the Platonic idea.<sup>151</sup> Some scholars are of the opinion that this principle of strict modality was not genuinely Arabic, but was imported from Byzantium, Syria, and Persia. Although this seems improbable, considering the fact that the entire music of the Near and Middle East is based upon this principle, we cannot render a final judgement until the many manuscripts of the early Islamic period which deal with music, become available for our use.<sup>152</sup>

b) *The Number of the Modes*. In the older literature we hear, almost invariably, of *eight modes*. We are, of course, inclined, to associate the number eight with the eight tones of the diatonic scale, thus ascribing to each tone its own mode. However, we must consider, first, that the octave can be divided variously, e. g. into five, twelve, seventeen, or even twenty-four parts. All of these divisions do indeed occur. Secondly, it is not certain at all that these modes were connected with the eight tones of the scale, even of the diatonic scale. Thirdly, as we shall see later on, there were eight rhythmic modes besides the melodic ones. Here it is quite obvious that the number eight was artificially imposed upon the rhythmic modes since, for rhythm, an equivalent to the octave does not exist. Moreover, we have evidence that originally the Arabs employed ten rhythmic modes<sup>153</sup> (Arab. *iqa'at*), but reduced them to eight, to those eight modes (Arab. *naghamat* — Hebr. *ne'imah*, *ninnu'ah*) to which Saadya and the *Ikhvan es-Safa* refer so extensively.<sup>154</sup> In the last mentioned

<sup>151</sup> *Infra*, see Terminology. The term *lahan* has been adopted by Hebrew poets to indicate the appropriated melodies of their *piyutim*, quite as the early Protestant hymn-writers adapted their new texts to already well known popular songs. ("Contrafacts.") On the term *lahan* see also Dukes in the *Literaturblatt d. Orient* IV, 539–542, where he quotes the following interesting passage of Simon Duran, *Magen Abot* 55b. הטעמים והם מיני הלחנים והנה נשאר לנו במיני הלחנים ג' והאחד הוברל לקריאת התורה, והב' לקריאת הנביאים וזה יש בו שני מינים קרובים זה לזה כי קריאת ההפטורה אינה כקריאת שאר הנביאים. והג' קריאת ג' ספרים תהלים, משלי, איוב. ושאר הלחנים כגון הנוטים לשיר והנוטים לתפוד שהם מיני הפיוטים כלם יש מהם קדומים כמו שירי ר' עזיעזר הקלירי... ויש מהם נחחדשו בארצות ספרד לקחום המפוררים משירי הישמעאלים הם ערבים הרבה מושכים הלב...

<sup>152</sup> Ribera, *op. cit.*, 77, n. 13. Also Farmer, *Facts etc.*, p. 57, and *Encyclopaedie des Islam*, article "Musiqi."

<sup>153</sup> Ribera, *ibid.*, 79, also *Kitab*, pp. 150–58.

<sup>154</sup> Cf. Texts B 1, 2; see also *infra* the appendix of translated passages.

work we find the clue for the prevalence of the number eight. According to the *Ikhvan*, eight is the perfect number for Music and Astronomy. Nature herself reveals eight qualities: hot, cold, wet and dry; and, in combination, hot-wet, cold-dry, cold-wet, and hot-dry. There are also eight astronomical stages.<sup>155</sup> Here again we encounter the influence of cosmological views upon musical theory.

c) *Details of the Modes, Musical Notation.* We know very little about the musical details of these modes. Their classification with regard to their effects upon the emotions are not of much aid. In Hebrew literature we have thus far only two sources which give unmistakable indication as to the notes by which the modes were expressed. Unfortunately both are relatively late. Of the Ms. Jehudah ben Isaac (early 15th century) which contains some concrete remarks,<sup>156</sup> there is, according to Idelsohn, a copy in the Hebrew Union College Library at Cincinnati. But I was not able to locate this rare manuscript.<sup>157</sup> Steinschneider quotes some sentences of the manuscript which include the Latin *soffeggio*-names of the tones, *Ut, Re, Mi, Fa*, and the like.<sup>158</sup> This would indicate that the diatonic system was the basis at least for musical theory, perhaps also for practice. Such an assumption is supported by the oldest Hebrew musical manuscript, an elegy on the death of Moses containing neumes of the

<sup>155</sup> Cf. Dieterici, pp. 128-31. "True, there are many things according to the numbers 2, 3, 5, 6, 7, 8, 9, 10. Yet we intend to awaken the slumbering ones from their carelessness by emphasizing the eight and, at the same time, to explain that those who prefer and represent the seven and its advantages, are right only in part and not in general . . ." We met the same problem in the exegesis of Ps. 29, *supra* note 135 and 138.

<sup>156</sup> Steinschneider, *Hebr. Uebersetzungen*, p. 970, n. 159.

<sup>157</sup> Idelsohn, *Jewish Music*, chap. x, note 21.

<sup>158</sup> The famous polyhistor and friend of Pascal and Descartes, Pere Mer-senne, gives an interesting tabulation of the Greek and Latin names of musical tones, comparing them with the ten Cabalistic Sefirot and the ten Divine Names. In his study *De Musica Hebraeorum*, (*Thesaurus Ugolini*, Venice 1767, vol. 32, col. 531-33) Father Mersenne quotes some anonymous cabalistic authors who had apparently a perfect knowledge of the entire of musical theory. But since he fails to mention names or sources, we cannot evaluate his statements.

13th century.<sup>159</sup> The melody here is devoid of all chromatisms, which in turn well comports with Ribera's conviction that Arabic (and Jewish) music of the 11th-13th centuries used the diatonic scale now employed in the occident.<sup>160</sup> Thus *modern* Arabic music would have to be regarded merely as a corruption of a classic style.<sup>160a</sup> But we cannot follow Ribera to that extent. Musical traditions in the Near East have, according to our knowledge, been jealously guarded and protected.<sup>161</sup> These contradictory views can be reconciled by the fact somewhat overlooked that, when Arabic culture reached its greatest splendor, theory and artistic music, on the one hand, and popular music on the other, were not at all identical. It may well be that "learned" music avoided chromatisms, while the chromatic music of the common people survived. We have reason to assume that the popular modes of those times made as extensive a use of half-tones as they do today. So long as we do not possess more Hebrew manuscripts containing musical notation, we are free to suppose that, in practice, music employed both diatonic and chromatic elements. Theory, however, at least in the Hebrew sources, seems entirely to have ignored chromatic usage, although it knew such to be possible.<sup>162</sup> The assumption of this divergence

<sup>159</sup> Cf. A. Friedlaender, *Facts and Theories Relating to Hebrew Music*, pp. 13-16, which includes a photograph of the MS. See also the *Elkan Adler Catalogue MS #4096*, where a more extensive analysis is given. It is regrettable that we could not secure an exact and enlarged photostat of the MS, inasmuch as we do not fully agree with Friedlaender's interpretation of the clef. A thorough investigation of this valuable and unique MS is much to be desired.

<sup>160</sup> Ribera, *op. cit.*, p. 77. We cannot enter here into a discussion, whether or not the Latin syllables *Ut, Re, Mi, Fa* etc. are of Arabic origin, as Farmer has it. (*Facts* etc. pp. 72-82.) Also, *An old Moorish lute tutor* 27.

<sup>160a</sup> It makes ample use of half- and even of quarter-tones.

<sup>161</sup> Best proofs for this are the works which show clearly the close connection between Gregorian, Byzantine, Syrian and Oriental Jewish chants. *Supra* note 148. A comprehensive work on the music of the entire Near East (including the Gregorian chant) is a desideratum.

<sup>162</sup> Cf. Texts G. The Arabian attempts at a musical notation from Al-Kindi up to Safi ad-Din were only complex tablatures based on the 'ud. Hence, they can hardly indicate any chromatism at all, even if there were such a thing in the artistic and "recognized" music of those times. See also *infra* appendix of translated passages!

between popular and artistic music would also account for the many contradictory statements *a propos* the theory of rhythm.

#### RHYTHMIC MODES

It is the rhythmic modes which present the greatest difficulties to the occidental musician. These rhythmic-metric formulae, though alike in principle throughout the entire Near and Middle East, varied considerably at different times and places. Moreover, the Arabic modes frequently kept their names while changing their patterns. That is why remarks of the 12th and 13th centuries contradict descriptions of the 9th century and the 10th century.<sup>163</sup>

Saadya gives in his *'Emunot Wede'ot* (chap. X) an extensive account of the modes as he knew them. In addition to the original Arabic text, we possess two Hebrew translations, one by Ibn Tibbon, and another by Abraham b. Hiyyah and, of the chapter dealing with music, an anonymous paraphrase published by Steinschneider.<sup>164</sup> These four versions of Saadya's text give us a clear picture of his theory of rhythm. As J. Guttman first pointed out, the *Ikhwan es-Safa* contains very similar, almost identical observations.<sup>165</sup> Probably both Saadya and the *Ikhwan*, being contemporaries, drew from an older authority, possibly Al-Kindi.<sup>166</sup> Recent investigations point to Syrian literature as the intermediary between Byzantine and early Arabic sources.<sup>167</sup>

Saadya (and his unknown source) borrowed their modes from the metrical theory of the Arabs.<sup>168</sup> This is not surprising, since

<sup>163</sup> Ribera, *op. cit.*, p. 80 ff. Also Farmer, *History of Arabic Music*, p. 147, who says: "It is clear from the great *Kitab al Aghani* that an alteration took place in the rhythmic modes . . ."

<sup>164</sup> Cf. Texts B 1, 2.

<sup>165</sup> Cf. J. Guttman, *op. cit.*, pp. 286-88.

<sup>166</sup> Farmer, *History of Arabic Music*, p. 150. See also Ahlwardt's *Catalogue of the Berlin MSS*, #5530.

<sup>167</sup> Bar-Hebraeus' description of the modes shows definite resemblances to Al-Kindi's or Saadya's presentations, although he refers to earlier Syrian sources. Cf. Bar Hebraeus, *Ethikon*, (*De la Cause Naturelle des Modes*, ed. Bedjan, pp. 69 ff.). See also Dom Jeannin, *op. cit.* I., 21.

<sup>168</sup> Saadya emphasizes the *mixture* of several modes as healthful; cf. *AQM*, pp. 30-31: "It is the mixtures of medicaments which bring about complete

the Greeks, notwithstanding their distinctly different prosody, did the very same. We cite here only three instances typical both of the Arabs and of the Greeks. (1) The metrical basis of the theory of musical rhythm; (2) The existence of eight rhythmic modes; (3) The principle of the *χρόνος πρῶτος* (unit of measure).<sup>169</sup> The single open or closed syllable was such a unit for the Greeks, the Jews, and the Arabs. Later, the original designations of the properties of the syllable had to serve for musical purposes as well. They could indicate rest and motion, heaviness and lightness, depth and height.<sup>170</sup> Subsequently, part of this metrical system, complex as it was, became integrated with Arabic musical theory.<sup>171</sup> Many of its rhythmic patterns, however, are possible only theoretically and were not in practical

remedy. Quite similarly, one single tune can do but little for the uplifting (*κατόρθωσις*) of the soul. The best influence comes from that Music which is mixed and composed of all the various styles. "See also Ps.-Aristotle, *Problems* XIX, 38, 43.

<sup>169</sup> These resemblances ought to be investigated further both by linguists and by musicologists. They have the following foundations:

- (1) The single syllable as the metrical and musical unit. Cf. Westphal-Rossbach, *Griechische Rhythmik*, I 69-95.
- (2) Aristoxenos' description of eight rhythmic-metrical modes, analogous to the Arabic system. Also the principle of conjunctive, disjunctive and mixed rhythms. Cf. Westphal-Rossbach, *op. cit.*, I 91 ff., and *Kitab*, pp. 152-156.
- (3) The principle of *Chronos protos*, the unit of measure, can be found in Aristoxenos as well as in Aristides Quint. It is well known to the Arabic theorists like Alfarabi, the *Kitab al Aghani*, and others. See also Martianus Capella in Westphal-Rossbach, *op. cit.*, p. 85/86. The Arab. passages in Kosegarten, *Ali Ispahanensis liber cantilenarum*, p. 127; and *Kitab* p. 152. Such scholars as Dechevrens, Jeannin, Gastoué have even attempted to introduce the term *Chronos Protos* into their evaluation of the Gregorian chant, and have received widespread approval.

<sup>170</sup> We find the same attitude, regarding music as a mere part of metrical poetry, in St. Augustine's *De Musica* VI. Cf. Edelstein, *Die Musikanschauungen Augustin's*. We must not forget that the great philosopher of the Church was not a "Roman" but a Semitic Carthaginian.

<sup>171</sup> J. Guttman and even Malter, in their books on Saadya, have entirely misunderstood the rhythmic emphasis of Saadya's musical theory, probably because of the ambiguous terminology, with its many pitfalls.



use.<sup>172</sup> The highly practical rule of the *Chronos protos*, employed already by Saadya, was of course preserved.<sup>173</sup>

For the explanation of Saadya's schemes, we depend to a degree upon the more complete description of the *Ikhvan*. Saadya renders only the first "halves" of the modes. Moreover, the *Ikhvan* is an excellent aid for eliminating the numerous mistranslations in the Hebrew text which obscured the basic ideas. Hence we arrive at the following system:

First mode:	♩ ♩ ♩   ♩ (♩) ♩ ♩ (♩)   ♩ ♩ ♩	
Second mode:	♩ ♩ ♩   ♩ ♩ (♩ ♩)   ♩ ♩ ♩	
Third mode:	♩ ♩ ♩   ♩ ♩ ♩ ♩	( <i>Makhuri</i> )
Fourth mode:	♩ ♩ ♩ (♩)   ♩ ♩ ♩	
Fifth mode:	♩ ♩ ♩   ♩ ♩ ♩	( <i>Ramal</i> )
Sixth mode:	♩ ♩ ♩ ♩	( <i>Ramal legère</i> )
Seventh mode:	♩ ♩ ♩ ♩	
Eighth mode:	♩ ♩ ♩ ♩   ♩ ♩ ♩ ♩	( <i>Hedjaz</i> )

Practically all Arabic authors agree that these eight modes go back to four principal patterns, which appear in two versions, a slow one (*taqil*) and a swift one (*kamil*). We need not discuss here the complex Arabic theory of conjunctive and disjunctive rhythms, since these are not mentioned in Hebrew sources.<sup>174</sup>

On the relation between metrical poetry and music in the actual performance of Psalms, *Piyutim*, and *Pismonim*, we have in medieval Hebrew literature only a few comments. Most of these sources share Yehuda Halevy's view, as expressed in his *Cusari* II §70, where he discusses the subject of metrical melo-

<sup>172</sup> Cf. *Kitab*, p. 152-57.

<sup>173</sup> Cf. Texts B 1, 2. "There are two beats between which there is no time for another beat . . ."

<sup>174</sup> Diet., p. 140; also Mas'udi in Ribera, *op. cit.*, p. 79 ff. Ribera's tabulation of the principal modes, however, agrees but partially with the descriptions of both the *Ikhvan* and Saadya. Idelsohn's representation of these modes refers to the modern Arabian terminology and practice. (*Jewish Music in its Historical Development*, pp. 114-117.)

dies.<sup>175</sup> We may conclude that, though it has at times been overlooked, musical and metrical theories in Hebrew literature are closely interwoven and can hardly be separated from each other.

#### CHORDS AND HARMONY

This much disputed question can be answered briefly. We have indubitable proof of the existence of chords, although these are mentioned in only one Hebrew source. Moses Abulafia distinguishes between two kinds of tonal connections. The first consists of the relation of two successive, discrete tones to each other; the second consists of a simultaneous striking of two different tones, with a chord as the result. (קול מוֹג)<sup>176</sup> The inhabitants of the Near East used that species of primitive harmony, obtained primarily by striking the "bordun" strings of their lutes.<sup>177</sup> Going far beyond this, Farmer quotes a passage of Ibn Sina which can hardly be understood as other than a description of the early *organum*.<sup>178</sup> Our passage likewise adds to the evidence, already convincing, that chords were known and utilized in the Near East. But they were rather an exception than a common feature.

#### VI. TERMINOLOGY

The investigation of Hebrew musical sources involves certain difficulties not the least of which is the terminology. Speaking with but slight exaggeration, our knowledge of musical cultures outside of the European sphere depends to a considerable degree

<sup>175</sup> Cf. Samuel ibn Tibbon's introduction to the commentary on *Kohelet*. See also A. de Rossi, מאור עינים § 60, (end) R. S. Archivolti devotes a part of his ערות הבשם to this question. (chap. xxxi) Further references may be found in Cassel's edition of the *Cusari*, p. 170, note 5.

<sup>176</sup> Cf. Texts F. Also *infra* appendix of translated passages.

<sup>177</sup> A short but comprehensive discussion of the question of chords in the music of the Near East may be found in Lachmann, *Musik des Orients*, pp. 85-92. Also Collangette in the *Journal Asiatique* 1904-06. From the standpoint of the various musical instruments C. Sachs discusses the matter in his monumental *History of Musical Instruments*, pp. 248 ff.

<sup>178</sup> Cf. Farmer, *Facts etc.*, pp. 104, 108, 112, where he quotes many corroborative statements by Arabian authors.

upon our understanding of the musical terms used in the various languages. The inconspicuous rank which music occupied in the Jewish scientific world of the Middle Ages is shown by the rudimentary development of musical nomenclature. It is characteristic that a Hebrew dictionary of philosophical and scientific terms, composed at the end of the XIVth century, contains only one musical item, namely נעימה.<sup>179</sup> As a matter of fact, almost all of the other terms in use are of a vague, general character and not scientifically exact. Since music was considered part of mathematics, we have in Hebrew terminology, as in the Greek and Latin, a considerable number of auxiliary expressions, borrowed principally from mathematics. These are usually combined with genuine musical terms, but are sometimes omitted by ellipsis.

Below, we attempt to list the Hebrew terms occurring most frequently in our texts, placing them in a comparative tabulation, together with their Greek, Latin, Arabic, and English equivalents. Naturally, complete identity of these words in five languages with all of their implications can hardly be expected. The Greek expressions are taken from the sources edited by C. v. Jan. (*Musici Scriptores Graeci*). In addition, we included Aristides Quintilianus and Cl. Ptolemaeus. The Latin terms are those which occur regularly in Gerbert *Scriptores*. The Arabic words and their transliteration are taken from the works of Farmer and D'Erlanger.

<sup>179</sup> Menahem ben Abraham Bonafos, *Sefer Hagedarim*, (Book of Definitions), Salonica 1567. About the author cf. Gross, *Gallia Judaica*, 467.

## A. MUSICAL TERMS

HEBREW	GREEK	LATIN	ARAB	ENGLISH
(E) זמר	μελωδία	musica, cantus	ghinā'	song, music, musical instrument <sup>180</sup>
יבבה, יבוב, (B2) יביבה,	φθγγος	sonus, tonus, vox	ṭanān	trill, tone, musical note <sup>181</sup>
לחן מוסיקא (מושיקא)	νόμος, μέλος μουσική, μέλος	modus, tonus, musica	lahn, mūsīqā	mode, tune, melody <sup>182</sup> music
מיקר	χορδή	chorda, nervus	ḍarb	string
(A. XX.) משקל, מ. המוסיקא	ῥυθμός, ἀργαγή	rhythmus, mensura, ordo	īqā', awzān	meter, rhythm, measurement
נון, לחן, (D2) ננוי	μέλος μουσικός	tonus, melodia musicus	lahn	melody, tune
נויר	μέλος, νόμος, ἀρμονία	modus, vox,	mūsīqār naḡham	musician mode, tune, music

<sup>180</sup> Dunash Ibn Tamim, Commentary on *Sefer Yesirah*, London 1902, 4 Ob.<sup>181</sup> Cf. D. Kaufmann, *Die Sinne*, p. 133/34, n. 18.<sup>182</sup> As in the Arabic texts, we find in the Hebrew sources coming from Spain the Latin form "musica" while the Greek form "musike" prevails in the texts which come from the East. Cf. Wolfson, "The classification of sciences," *HUCA*, Jubilee vol., 1925, 302/03; also Farner, *Facts etc.*, p. 66. also *Encyclopædie des Islam*, article "musiqi."

HEBREW	GREEK	LATIN	ARAB	ENGLISH
(G) נועם-לחן (B1) נעימה נענוע, נעימה. (B2) ניענועה	μέλος τόνος, κίνησις, byz. νεῦμα byz. νεαννοή <sup>183</sup> φωνή, φεδγγος byz. ἦχος ὕμνος, ὠδή	vox, melodia tonus, neuma, ictus, sonus neuma, tonus, vox tremula vox, sonitus, modus hymnus, carmen	<i>lahn</i> <i>nagham, ṭanān</i>  <i>ṣawt, ghinā'</i> <i>shi'r</i>	melody, tune tone, beat, (rhythmi- cal) mode shake, trill, tremolo- mode voice, sound, tone poem, hymn, song.

<sup>183</sup> The Hebrew *ninnua* was unquestionably the source for the Byzantine *νεαννοή*, which in turn made its way into the early European theory. Neither the Byzantines nor the Western theorists understood the term *neannoe*, or *neannoeane* — they took it as a mnemonic cue-word. More about *neannoe* will be said in the writer's forthcoming article on this matter. (Musical Quarterly 1942).

## B. AUXILIARY TERMS

(Usually connected with one or more terms of the A-class).

HEBREW	GREEK	LATIN	ARAB	ENGLISH
<p>גובה, הגבה, (B1) הגבהה } (G) הקיטוב }</p> <p>(B2) הרמה, הגבה, (E) המשך (G) התפשטות המשך (E, G) התקבצות</p> <p>(B1) זמן זמן גנינה אחת (AXX) חיבור</p> <p>חיבור הלחנים חיבור הנונים חיבור הנעימות חיבור הקולות</p> <p>A XVIII</p>	<p>ἐπίτασις, ὀξύτης σύστημα, κύκλος byz. πρόχος ὀξύτης διαστολή διαστολή συστολή</p> <p>χρόνος χρόνος πρῶτος ποίησις, συνθεσις, μελοποιία μελοποιία</p> <p>σύνθετος</p>	<p>vox acuta, alta elevatio ordo, cyclus acuitas, elevatio elongatio diminutio, contractio tempus, tactus tempus primum compositio, ordo</p> <p>coniunctus</p>	<p>(pers.) <i>zār</i> <i>dā'ira</i>      <i>īqā'</i> <i>īqā'</i> <i>ta'īf</i>   <i>mulaqārib</i></p>	<p>heigh, height cycle, system height dilatation contraction time, measure unit of measurement composition, order composition of tunes composition of tunes composition of modes combination of sounds combined</p>



HEBREW	GREEK	LATIN	ARAB	ENGLISH
הדר, הדות	ἀραιώσις	acuitas, altitudo	hādd,	sharp, sharpness
חכמה, חכמת	ἐπιστήμη	scientia musicae	mūsāqī	science of music
חכמת ההיכור	τέχνη θεωρητική	theoria musicae	mūsāqī	science of music
חכמת חבור הגוונים		theoria musicae	mūsāqī	science of music
חכמת הלחנים		theoria musicae	mūsāqī	science of music
חכמת המוסיקא		theoria musicae	mūsāqī	science of music
חכמת הנגון		theoria musicae	mūsāqī	science of music
חכמת הנעימות		theoria musicae	mūsāqī	science of music
חכמת הענבים		theoria musicae	mūsāqī	science of music
חכמת הקולות		theoria musicae	mūsāqī	science of music
יחס	λόγος	theoria acustica	mūsāqī	acoustics
(F, G) יחס אשר בכל	יחס δὲ πασῶν	ratio, proportio	nīsba	relation, proportion
		octava, diapa-	bi-l-kull, al-kull,	octave, diapason
		son	taḏ'āf	
(F, G) יחס אשר בחמשה	יחס δὲ πέντε	quintus tonus		fifth
(F, G) יחס אשר בארבעה	יחס δὲ τέσσαρον	quartus tonus		fourth
(F, G) יחס הכל והחמשה	יחס δὲ πασῶν καὶ διαπέντε	diapason et dia-		fifth over the octave
		pente		
(F, G) יחס הכפל, כפלים	יחס δὲ πασῶν	octava	al-kull	octave
(F, G) כובד, כבדות	πύκνωσις	gravitas, pon-	taqīl	heaviness, weight
		du-		
(B, F) מוזה, ממוזי	σύνθετος	coniunctus		combined, tempered
מין	γένος, τρόπος	species, genus	anwā', ajnās	species, mode

HEBREW	GREEK	LATIN	ARAB	ENGLISH
(E) מיני זמר, גינה, 'לחן, וכו', (B1, 2) מנוע, מנוע, נע	τόνοι, νόμοι, μέλη ἄνω, ἄρσις	modi, toni arsis, elatio mo- bilis	lahn, naḡhamā nabra	modes, tunes, melo- dies moved, moving
מסכים (G)	σύμφωνος	concors, conson- ans	muwāfaqa	consonan, concor- dant
בלתי מסכים מלאכה (מלאת המוסיקה, מלאת החבור, הנגון (B1, 2) מפרד, נפרד	διάφωνος τέχνη ἀσυνθετος	dissonans ars, usus ars musica		discordant art, profession art of music
מעשי	πρακτικός	separatus, dis- iunctus	muṣṭafa	isolated, disjointed
הבחה המוסיקא המעשית (D1, 2)	πρᾶξις μουσικῆς, ἐπι- στήμη τῆς μουσικῆς τέχνης	musica activa, practica musica activa	'amalī	practical (music) science of practical music
מחוק, נגון מחוק (A) בלתי מחוק (B1) נח, נח (B1)	μουσικὴ τέχνη κάτω, θέσις	musica artifi- cialis gravis, humilis immobilis	sākin	arranged, artistic music resting, low
(E) נמוך, נמיכות	βαρύς, βαρύτης	gravitas,		low, lowness

HEBREW	GREEK	LATIN	ARAB	ENGLISH
נע, נעה—מנענע נמשך, נעימות נמשכות	ἄνω, ἄρσις, κίνησις	mobilis, elatus tonorum sequentia	<i>nabra</i>	moving, high successive tones
סבוב, סבובי—הקף הקנ	κύκλος, σύστημα, byz. τρῶχος	cyclus, systema	<i>dā'ira</i>	cycle, system
סבוב הקוליות (XVIII)	byz. κύλισμα	quilisma		trilling of the voice
סמך (B1)	κατὰ περίοδον, σύνθετος	tremula vocis coniunctus	<i>mutaqārib</i>	contiguous, tied together
עיוני	θεωρητικὸς	speculativa, theorica	<i>al-'ilm al-nazarī</i>	theoretical
חכמת המוסיקא העיונית (2)	ἐπιστήμη μουσικῆς θεωρητικῆς	musica speculativa		science of theoretical music
ערך, יחס	λόγος	ratio	<i>nisba</i>	relation, proportion
ערך אשר בכל	διὰ πασῶν	diapason	<i>al-kull</i>	octave
ריוח (B2)	διάστημα	intervallum	<i>bu'd</i>	interval, musical unit
שבירה, שבירת הקוליות XVIII)	byz. κύλισμα	quilisma, tremula		trill, vibration, break
שווה, שווה החבור (D2)	ἁρμονικός	harmonicus	<i>muwāfaqa</i>	harmonic
שווה, שחירות—שפל דה )	βαρύτης	gravitas,		low, lowness

HEBREW	GREEK	LATIN	ARAB	ENGLISH
(B2) שוחה, נחה	βαρύς, κάτω	gravis, immobilis	sākin	resting, low
שיעור	λόγος, μέγεθος	modulus, longitudo		measure, size
שיעור הזמן	ῥυθμός, μέτρον	rhythmus, metrum	baḥr	measure of time, rhythm
(B1) שפל, השפלה	βαρύς	gravis		low, lowness
(A XXI) חכפי, סמוך	σύνθετος, κατὰ περίδοον	coniunctus	mutaqārib	tied together, joined
(B2/3) הנועה	κλήσις	motus	ḥaraka	movement, mode
כלי	ὄργανον	instrumentum	āla	instrument
כלי זמר, נגון, שיר.		instrument. musicae		musical instrument

## APPENDIX

TRANSLATION OF THE HEBREW PASSAGES QUOTED IN THE TEXT  
OF THE ARTICLE

The numbers refer to the notes respectively of which the Hebrew is here translated.

47. He also said: "reasoning leads knowledge to known objects (of the corporeal world); but Music leads to spiritual knowledge."

48 and 58. Finally, he said: "There are three categories of professions: (1) professions in which speech preponderates over action; (2) others in which there is more action than speech; (3) others again in which both speech and action are of equal importance. To the first category belongs the telling of stories and fables, which is accomplished by words and not by actions. The profession in which there is more action than speech is represented by the physician whose deeds outweigh his speech. It is in the profession of Music that action is of equal importance to speech. Music, therefore, is the best profession, provided that its words coincide with its action, as in the case of a lute-player, whose melody corresponds to his motions."

52. You should know that something of a musical nature is found in the pulse-beat; for just as the perfection of musical art consists of the production of tones according to a certain proportion between them with respect to their acuteness and heaviness, and with respect to melodic cycles and intervals between the individual beats, so do the same proportions apply to the human pulse.

54. Euclid said: "Music is an art which connects every melodic species with its own type; it makes use of the temperaments; it stirs up that which is at rest, and brings to rest that which is restless."

57. Favorinus, the sage, said: "He who is able to harmonize the motions of the soul and nature, until they vibrate together like four harmonious strings of a musical instrument, for him

the joy of the world and its pleasures will be in harmony with his own pleasure. When he wants to be joyful, his memory encompasses the pleasures of the world, as he ponders by which of them he may obtain his desire.

"Music is such a sublime subject that the dialectic faculty is inadequate to its presentation, leaving the philosophers powerless. But the soul perceives Music through the medium of melody. As soon as the joy of the soul evoked by Music became manifest, people yearned for that joy, paid attention to the soul and, forsaking the contemplation of the affairs of the transient world, hearkened to the soul.

"The significance of Music consists in the fact that it accompanies every profession, just as an intelligent man can find an associate in every person."

72 and 75. Third question: "Why did the musicians say that a *Kinor*, if it is of good proportion, has to have four strings, each of them thicker than the other?"

Answer: "They did it to the end, that the tones of each of the four strings might strengthen one of the four humors. One of the four strings called *Al-Bam*, consists of 64 threads of silk. Its tone, on account of the string's thickness, invigorates the black humor. The second string, called *Mathna*, consists of 48 threads. Its tone invigorates the white humor. The third string, called *Mathlath*, consists of 36 threads. Its tone strengthens the blood. The fourth string consists of 27 threads, and is called *Zir*. Its tone, because of its fineness, invigorates the yellow bile."

85. Another said: "A singer has to show by his song the mood of his soul; and a lute has to be attuned to its appropriate melody."

88 and 89. Maimonides, Responsum on music, *MGWJ* 1873, pp. 174-180. (Goldziher.)

Question: Is it permissible to listen to the Arabic *Muwassahal* and to music in general?<sup>a</sup>

<sup>a</sup> *Muwashah* is a lyrical poem or song, very popular in Arabic literature from the 11th century on. Originally an Arabo-Spanish form of poetry, it later spread also to North Africa. Cf. Ribera, *op. cit.* pp. 119, 128-34, *et passim*.



Answer: It is known that music in general and rhythmic music<sup>b</sup> in particular ('*iqa'at* אִיקָאעָאָת) is forbidden, even if it is not joined with words; for the Rabbis say: אָדנָא דִּשְׁמַעָא זִמְרָה תַּעֲקֵר (Sot. 58a). The Talmud teaches expressly (Git. 7a) that there is no difference between the hearing of vocal or instrumental music, and music in general. Such music is forbidden, except when it belongs to prayer which moves the soul either to joy or to sorrow. The Rabbis support this by the words of the prophet: אֵל חֲשַׁמָּה יִשְׂרָאֵל אֵל-יִגִּיל כַּעֲמִים (Hos. 9.1). We explained the reason for this prohibition elsewhere as follows: The power of desire must be restrained and not stimulated. We need not pause for the exceptional individual whose soul might be saved by these impressions and whose comprehension of intelligible things might be facilitated, enhancing his submission to things Divine. Legislative wisdom shapes its statutes with regard to the majority, i. e. the common run of people. The prophets have already expressed their disapproval of the use of musical instruments in the following passage: הִפְרָטִים עַל-יָפִי הִנָּבֵל כְּרוּיָד חֲשָׁבוּ לָהֶם כְּלִי-יִשִׁיר (Am. 6.5). Moreover, as we stated in our commentary on Abot (I., 17), there is no difference between the singing of Hebrew or of Arabic words. Permission or prohibition depend exclusively upon the content of the words. The listening to any licentious utterance is forbidden, even if it is only spoken. If it is accompanied by instrumental music, it would involve three prohibited acts: (1) The listening to licentious utterances, (2) listening to vocal music, (3) and listening to musical instruments.

If this happens in a tavern, there is a fourth prohibition involved, for it is said: (Is. 5.12) וְהָיָה כְּנוֹר וְנָבֵל תֵּף וְחָלִיל וְיֵין מִשְׁתִּיָּהֶם. If the singer is a woman, there is a fifth prohibition, according to the dictum of the Talmud. (Ber. 24a) . . . קוֹל בָּאִשָּׁה עֲרוּהּ; the more so, if she sings at a banquet.

It is the intention of Divine providence that we be a holy nation, so that we should not speak or do anything which is not perfection or would not lead us to perfection. We must not per-

<sup>b</sup> Goldziher overlooked here the significant musical term '*iqa'at* which emphasizes the rhythmical quality of a mode; actually '*iqa* corresponds to our *rhythm*. See also Farmer's interpretation of this responsum in the *Journal of the Royal Asiatic Society*, Oct. 1933, pp. 866-884.

form anything which stimulates those mental forces which deter us from the good, or do anything whereby we neglect (our better ego) by vanity or dalliance . . . The songs mentioned by the Gaonim are permitted because they are hymns and songs of exultation, as is explained by Alfasi . . .<sup>a</sup> To extend the prohibition to songs which are perfectly decent is a thing never heard of either by Gaon or by layman . . .<sup>d</sup>

Maimonides, *The Eight Chapters*, (שמונה פרקים) ed. Gorfinkle, p. 30. There are, indeed, times when the pleasant may be used for a curative purpose as, for instance, when one suffers from loss of appetite, it may be stirred up by highly seasoned delicacies and agreeable palatable food. Similarly, one who suffers from melancholia may rid himself thereof by listening to songs and to all kinds of instrumental music, by strolling through beautiful gardens and splendid buildings or by gazing upon beautiful forms . . .

99. The fifth said: "Living in solitude, the soul sings plaintive melodies, (emphasizing the vanity of this world), whereby it reminds itself of its own superior world. As soon as Nature sees this, and becomes aware of it, Nature presents herself with all sorts of images (sensory beauties) introduced, one by one, to the soul, until finally Nature succeeds in recapturing the soul. The latter, busy with the affairs of the transitory world, will soon forsake that which constitutes its own essence. It will abandon sublime compositions and the rhythm of artistic melodies and, ceaselessly allured by wordly pleasures, will become, with all of its faculties, utterly submerged in Nature's ocean."

114. He (Plato) used to say to the musician: "Show us the harmony of trees in their blossoms, and the harmony of flowerbeds in their various perfumes."

<sup>a</sup> This passage is entirely misunderstood in Schmiedl's Hebrew translation of the responsum; cf. *Mishne Torah Ta'anit* V., §14. See also the corroborative statements in A. Freimann's edition of Maimonides' responsa, Jerusalem 1934, p. 338 ff. Extensive rabbinic material on this question is also offered in Boaz Cohen's study *The responsum of Maimonides concerning Music*, New York 1935.

<sup>d</sup> Cf. תשובות הגאונים באסף, Nr. 21, (Moses Gaon); Harkavy, תשובות הגאונים, Nr. 60, (Hay Gaon); Alfasi, *Ber.* 25b. See also Farmer's interpretation, with which we do not entirely agree, and Boaz Cohen, *op. cit.*, pp. 12-19.

116. Ephorus mentioned a general principle derived from the experience of war, and said: "A warrior has to drink a strong drink when he reaches the battle line. If he has done so, he will be fit, otherwise the fire in him will be extinguished, motion will stop, and the body will become cold to such an extent that he will appear like a man trembling and shivering. The channels, (i. e. the blood-vessels) will be destroyed and the warmth blocked. But if he drinks, kindling his ardor, his ardor will move by musical rhythm. And when musical rhythm has inflamed his ardor in turn, then appears the form (i. e. the Platonic *eidos*) of courage. For the movement of war is determined by the rhythm of Music. This is a statement well known to the heroes of war, although not every brave warrior is able to explain it, unless he is keen and intelligent with regard to military secrets. Many of the courageous men, therefore, used to drink a little wine when they came into the ranks, in order to stir up movement, and to get rid of fear and sorrow which they may have to meet, so that right at the outset, when reaching the battle line they will by virtue of the ardor resulting from wine, be provided with the heat of the elements. Wine, therefore, is only an occasional device, making it possible for the musical rhythms, produced by the musicians, to move the warrior toward courage. It is courage (not wine) that moves courageous men. For when musical rhythm is generated and maintained to the end, the sublime form (i. e. the virtue *andreia*) becomes manifest."

He also said: "A small quantity of wine stimulates the mind, (i. e. its rhythmical functions), and causes pleasantness of speech as an effect of the mind's rhythmic structure. For everything which is measured (rhythmically) is pleasant. But it may be that the pleasantness of speech derives from the excellence of the spirits of those assembled."

138 and 146. The science of Music envisages eight modes of melodies, which differ from one another because of expansion and contraction, height and depth, and other differences in their musical structure. The eighth mode functions as a genus which comprehends the other seven modes: and this is the meaning of: "To the chief musician upon *Šeminit*." (Ps. 12.)

The Psalmist has alluded to this cryptically, that is, by means

of the number seven in the repetition of the word *kol* in the Psalm: "Give unto the Lord, O ye mighty," (Ps. 29), while the phrase: "All say: 'glory'," (v. 9) alludes to the eighth mode comprehending all of the others. I cannot explain any further.

140. Furthermore, since the entire line AB consists of 3 imaginative lines TB; for TB makes  $\frac{2}{3}$  of CB, the half of AB, and that which constitutes  $\frac{2}{3}$  of a half makes  $\frac{1}{3}$  of the whole. The proportion of the tone AB will therefore equal three tones TB. This proportion is called that of the octave and the fifth, because it is combined from the proportion of the Octave, (namely the double, as explained already), and the proportion of an increase by one half, called the fifth, the explanation of which follows here immediately: For AB equals  $1\frac{1}{2}$  ZB, since  $\frac{1}{2}$  ZB equals  $\frac{1}{3}$  of AB; it follows that AB equals  $1\frac{1}{2}$  ZB. The tone of AB is, therefore, equal to  $1\frac{1}{2}$  of the tone ZB, and is called the proportion of the Fifth, because the same proportion exists in the number five. The number 5, indeed consists of 3  $\frac{1}{3}$  ( $=10/3$ ), the proportion of which to 5 equals the proportion of ZB to AB. ( $10/3:5 = ZB:AB$ ), and a third (of 5) which makes 1,  $\frac{1}{2}$ ,  $\frac{1}{6}$ , the proportion of which to 5 equals the proportion of  $\frac{1}{4}$  TB:AB.

141. The fifth proportion is called that of a double or triple plus two portions, as for instance the proportion of 8 to 3, for 8 is a double of 3 plus two thirds ( $8/3 = 2 + 2/3$ ); or as the proportion of 11 to 3, because 11 is a triple of 3 plus two thirds ( $11/3 = 3 + 2/3$ ). They are also called combined proportions, when the preceding terms of the proportions (the numerators) are multiplied by one another, and then the following terms (the denominators) are also multiplied by one another.

154. Saadia Gaon, *'Emunot We-De'ot*, X, end. (Ibn Tibbon's translation.) Likewise an isolated sound, an isolated melodic unit, or an isolated melody or mode moves but one of the dispositions of the soul, so that through them the soul may sometimes be endangered. However, a mixture of them will harmonize the manifestations of the soul's dispositions and powers. It is necessary to know the effects of the isolated modes in order that they may be combined accordingly. We say that the melodies (modes-*niggunim*) are of eight patterns, each of them having

a certain number of tones (beats-*ne'imot*). The first mode consists of three beats tied together, one in motion and one at rest. The second mode consists, likewise, of three beats tied together; one resting and another moving. These two modes stir up the ardor of the blood, and consequently the passion for rulership and domination.

The third mode consists of two beats tied together, between which there is no time for another beat while one beat rests. But between every low, high, and low tone there is time for one beat. This mode alone stimulates the yellow bile, and consequently the virtues of fortitude, courage and their like.

The fourth mode consists of three beats tied together, between which there is no time for a single beat; but between every three beats, there is time for one beat. This mode alone stimulates the white humor (phlegm), and consequently makes manifest the dispositions of vileness, servility, cowardice, and their like.

The fifth mode consists of one single tone, and two different tones between which there is no time for one beat; but between the rising inflection (*arsis*) and falling inflection (*thesis*) there is time for one beat.

The sixth mode consists of three tones in motion.

The seventh mode consists of two contiguous beats between which there is no interval of a beat; but with an interval of two beats between every two tones.

The eighth mode consists of two contiguous beats, between which there is no interval of a tone; but with an interval of two tones between every two tones.

The last four modes affect the black bile, and lead to the manifestation of various dispositions of the soul, at times to joy, for example, and at other times to sorrow.

It is, therefore, the custom of kings to intermingle the modes in such manner, that their souls come to a harmonious balance, wherein these melodies may stimulate such dispositions as help the kings in directing their kingdom, so that they may be neither too merciful, nor too cruel, neither too mighty, nor too timid, neither too much nor too little given to joy.

162. Tones, furthermore, are divided into categories of intervals, so that some of them increase or diminish in size by com-

parison with others. Everyone of these parts again can be reduced to the smallest fractions possible where all further subdivision is precluded.

176. The association of tones (*ne'imot*) determines their impression upon the hearer. It is either one of succession as, for instance, when we strike one string and then, at the termination of this sound, strike another string, producing another tone; or it is a combination of tones as, for instance, when we vibrate two strings simultaneously so that from both together comes forth a composite tone, as is produced by the musical instrument, called '*Abub*.

[*To be continued*]





## THE JEWISH ARTIST BEFORE THE TIME OF EMANCIPATION

FRANZ LANDSBERGER, Hebrew Union College, Cincinnati, Ohio

IN 1902 there appeared in the *Mitteilungen der Gesellschaft für Jüdische Volkskunde*, No. IX, an article which gave considerable impetus to the study of the history of Jewish art, then in its infancy. The author of the article, Albert Wolf of Dresden, born in 1841 — 100 years ago — was a jeweler. At the same time he was an ardent collector of art, like so many Jews of the nineteenth century. He focussed his attention, however, on a field that had attracted the interest of no museum and of only a handful of private collectors in the whole world — Jewish art: ritual implements, coins, medals, engravings, illustrated books, and so on.

The non-Jewish world, which to this very day recognizes only the Jews of biblical times as creative, showed not the slightest interest in these things. The Jews on the other hand were, particularly as regards the ritual implements, bound too closely in their religious significance to find, in Kant's words, a "disinterested pleasure" in the objects that Wolf was gathering.

As he saw his collection growing in extent from its modest beginnings in 1874, Wolf came to wonder how many of these had been fashioned by Jews. A people so widely dispersed among foreign cultures — obedient, besides, to a law that forbade pictorial representation — must have commissioned much of their art work from non-Jewish craftsmen. Wolf sought the answer to his question in a collector's way: he gathered data about Jewish artists. Despite the difficulty of acquiring information concerning the diversely scattered Jewish artists, Wolf did not tire of the task. From a thousand single references and signed works, arose the gradual realization that the Jews of former times have made notable achievements also in the field of art.

The peaks of this achievement came in the nineteenth and twentieth centuries in the art of Josef Israëls, Camille Pissarro, Max Liebermann, Marc Chagall, and others.

The first discovery of an early work of art definitely produced by a Jewish craftsman came in the field of the illuminated book. In 1898 occurred the first publication of an ancient Hebrew miniature manuscript, the Sarajevo Haggadah, written in Spain in the fourteenth century, and named after the place where it was discovered. "Here is a remote, almost uncultivated field of research, into which we have sunk the first spade," the editors Julius von Schlosser and David Heinrich Müller could very well say in their preface. Their surmise that manuscripts like the Sarajevo Haggadah had been illuminated by Jewish artists was investigated more extensively by David Kaufmann, who gave a firm basis to the book with his article "*Zur Geschichte der jüdischen Handschriften-Illustration.*"

Now Wolf, who was past sixty, felt that the time had come to publish his collected papers. *Etwas über jüdische Kunst und ältere jüdische Künstler* was the title of his article: for his aim was to prove the existence, in history, of Jewish artists as well as Jewish art, not merely in the field of the decorated manuscript but in all fields.

The appearance of this 74-page article did not terminate Wolf's researches. By 1905 he had gathered enough material to publish, in issue XV of the same periodical, a 58-page appendix to his previous paper. When he died, two years later, he bequeathed his collection to the Jewish community in Berlin as the nucleus of a Jewish Museum. His posthumous papers were published as a second short appendix in issue XXIV of the *Mitteilungen*,<sup>1</sup> by the editor, Max Grunwald. Grunwald also compiled an index of the artists whose names appear in the three articles, as groundwork for an encyclopedia of Jewish artists which further researches will make increasingly necessary.<sup>2</sup>

<sup>1</sup> The three articles will be referred to in this essay as Wolf *MJV* IX, XV and XXIV, respectively.

<sup>2</sup> In this index the pagination of the article in *MJV* XXIV is given according to the pages of the offprint, not of the periodical. To get the correct number one must add 96 to the given number.

Decades have passed since these essays appeared, and the papers that have been published as well as the works of art that have come to light since that time have greatly multiplied the number of known Jewish artists. A survey of this new material is certainly desirable. But still another motive has led to the publication of the present article. Wolf had in some cases derived his information from sources brought into doubt by closer investigation. His data have not only been taken over into a number of later essays, histories of art, encyclopedias, and so on, but have been augmented by many more equally questionable bits of evidence. The result is that our *entire* body of knowledge about Jewish artists of the past has gained in breadth but not in soundness. Hence there is a need for a compilation that is at the same time a *critical review* of the gathered material.

One more reason leads us to reëxamine the history of the Jewish artist in its entirety. Wolf had arranged his material by crafts: there were the goldsmiths, the seal-engravers, the architects, and so on. This arrangement had *one* advantage: it could be seen that certain skills recurred frequently among Jewish artists, others not so frequently. But on the other hand this mode of classification, repeated in three different articles, becomes somewhat boring. Still worse, it is somewhat lifeless. The artists were enumerated mechanically, not tied up integrally with their function in Jewish life.

In this way also many questions were answered by formula. For instance, Wolf asserts in the beginning of his article that not only the Hebrew miniature manuscripts, but "likewise the ceremonial implements — at least in part — were certainly fashioned by Jews." The qualifications given to this statement create an unclear picture. As a matter of fact the Jews at certain times and in certain countries, for instance in medieval Spain, in all probability, produced practically all of their implements themselves, while in other ages and in other regions, say in seventeenth- and eighteenth-century Germany, the better class of ritual objects were probably all commissioned from non-Jewish goldsmiths. Likewise the stonecutters who produced Jewish tombstones, at times truly artistic, must be characterized

separately according to the time and the place. The fine Dutch tombstones of the seventeenth and eighteenth century were probably made by non-Jews, those of the same period in Eastern Europe by Jews. These differences were created by the changing conditions under which the Jews existed. Only by studying these thoroughly can we properly understand their achievements in artistic fields.

All these reasons induced me to subdivide this article first by periods, then by countries, and finally by fields of artistic endeavor. The period of antiquity, which the inaccessibility of adequate knowledge kept Wolf from considering, is now contained in a separate chapter. An acquaintance with these beginnings is indispensable, because here already certain techniques and tendencies arose which have survived through the further course of history. This section is followed by one on the Middle Ages; the last portion takes in modern times, that is to say, the era since the expulsion of the Jews from Spain. I have chosen to close with the Emancipation. With its radical changes in the way of life of the Jewish people and in the development of Jewish artists this period cannot, after all, be considered in the same breath with the preceding centuries.

To stop at the threshold of the nineteenth century is also advisable because the Jewish artist of later times needs no *special* treatment, since he stands in the full light of general public knowledge. By contrast we meet a particular difficulty in considering the Jewish artist *before* the time of Emancipation; a veil of darkness surrounds him. The dates of his life are generally lost, his works often destroyed by the catastrophes that have beset Jewish life, at times his very name forgotten. Another factor that contributes to the obscurity is that many Jews became artists only after conversion to Christianity; as a result they made efforts to conceal their true origin. A final complication arises because the Jews, as far as we know now, have never developed a specific style, peculiar to themselves, that would make their work recognizable at first glance. For these reasons our material must remain incomplete, although the hope will always be present that new artists may be added to our roster by later discoveries.

The preliminary work for this article was prepared in Germany, when the Albert Wolf collection, forming a large part of the Jewish Museum at Berlin, was in my care, and I had ample opportunity to immerse myself in its treasures. For the continuation of the work in Cincinnati I am grateful to the excellent libraries of that city, particularly to the Hebrew Union College Library, whose director, Dr. Walter Rothman, very cordially saw to it that even books difficult of access and rare manuscripts borrowed from other libraries were available for my use. The faculty members of the College were also very helpful in answering for me every question that arose outside of my own field of research into art history. My particular thanks in this respect are due to Mr. Moses Marx, who laid at my disposal his wide experience in the field of Jewish books and of Jewish life.

## I

### ANTIQUITY

At his first appearance in the Bible — in the account of the construction of the Tabernacle — we find the Jewish artist clothed in the highest dignity. God himself appoints Bezalel, the son of Uri, the son of Hur, from the tribe of Juda, and with him Oholiab, the son of Ahisamach, from the tribe of Dan (Ex. 31.1 and 6). God himself breathes his spirit into the two of them “in wisdom and in understanding, and in knowledge” (Ex. 30.3). From this early time to the present day, divine inspiration has been a spiritual attribute of the artist.

The efforts of Bezalel and Oholiab are to be joined by those of “every wise-hearted man, in whose heart the Lord has put wisdom,” indeed “everyone whose heart stirred him up to come unto the work” (Ex. 36.2): the enthusiastic dilettante as well as the artist is welcome. The great work from the peak down to its broadest foundation is to come from the heart of the people.

What the artist creates here is not directed by himself: he must bring forth what God ordains. Even so, God's ideas are not made manifest directly to the artist, but to Moses, who acts as intermediary. To Moses God shows the design (תבנית)



of the Tabernacle and of all its furniture, that he may in turn transmit it to the artist (Ex. 25.9). This statement may be given a literal or a figurative interpretation: one might imagine that God showed Moses actual plans or models, or that He made him see the objects in an inner vision. The word חבנית is used again when the aged David hands the plans for the building of the Temple to his son Solomon (I Chron. 28.11–19). Here, of course, the word is to be taken literally, and refers to drawings. We shall give it the same meaning in the passage in which God shows plans to Moses. The Pentateuch is full of such examples of God's concrete existence and activity.

Bezalel possesses the skills "to work in gold, and in silver, and in brass, and in cutting of stones for setting, and in carving of wood" (Ex. 31.4); he also has the gift of weaving in many colors (Ex. 35.35). Such a universality of abilities may really have existed among artists of antiquity. At any rate this is a fitting characterization of the ideal artist for the divine work: it raises him in our esteem, and at the same time, assures the unity of the completed work by making it the product of one man's design.

Now comes the famous description of the work in its smallest details: the ark itself, the seven-armed candelabrum, the carpets, and so on. The reason for such an exact description, aside from religious zeal, must have been a lively esthetic appreciation of the art forms represented here. The same combination of religious devotion and esthetic joy pervaded the construction of the Gothic cathedrals in the Middle Ages, and showed on every pinnacle.

The historian may ask why we take the time to discuss events whose actual existence has long been questioned by modern biblical criticism.<sup>3</sup> It seems unlikely that such a splendid building, employing the most precious materials and the most skillful craftsmanship of the Orient, could have arisen in the desert among the early nomadic Hebrew tribes. Even in Canaan the artistic culture of the Israelites appears to have developed very

<sup>3</sup> Most emphatically by Julius Wellhausen, *Prolegomena zur Geschichte Israels*, 5. ed., Berlin, 1899.

slowly, so that David still found it necessary to import masons and carpenters from Phoenicia to build his palace (I. Chron. 14.1). These considerations imply doubt whether such persons as Bezalel and Oholiab ever existed. Legend, as is well known, includes in its workmanship the invention of names.

In more recent times some of the glory has been restored to the Tabernacle, although it is still admitted that the description is greatly idealized. The acacia wood employed in the building, the preponderant use of goats' hair, tent-cloth, rams' skins and lambskins — all point to a desert locale.<sup>4</sup> Furthermore a lengthy stay in an oasis would furnish the necessary time for the carrying out of such extensive work, and the skills might have been acquired in Egypt. Thus some actual basis for the account may well have existed.

Instead of considering more fully this difference of opinion as to the historical existence of the Tabernacle, we shall discuss the one part of the story that is certainly based on fact: the description itself. This description is of great significance in the history which we are considering. It shows that a theocratic concept of the world existed in biblical times in which the artist was accorded a strong and prominent position. This concept of the world is the best answer to the common reproach that the Jews were prone to minimize the worth of the plastic artist. The opposite is true. Seldom has a nation identified the work of an artist with its most sacred ideals, as did the Jews in the description of the Tabernacle and of its builder and decorator.

We meet the Jewish artist for the second time in the construction of the Temple of Solomon. It has been justly noted that much of the color in the description of the Tabernacle and its artists had been borrowed from the description of the building of the Temple. Yet we find a totally different concept of the artist in this latter story. The reports about him appear in 1 Ki. 7 and in 2 Chron. 2. They disagree at points, and we must guard against confusing them. Different traditions, differing tendencies are transmitted in the two reports. The name of the artist is

<sup>4</sup> W. F. Albright, *The Archeology of Palestine and the Bible*, New York and Chicago, 1932, p. 159.

given differently: in Kings he is called Hiram [חִירָם] (1.7.13), also, in one place, (7.40), Hirom [חִירוֹם]; in 2 Chron. 2.12 he is called Huram [חִירָם], perhaps with the addition Abi (אָבִי). As far as his origin is concerned, he is only half Jewish, for his father is from Tyre in Phoenicia.<sup>5</sup> In Kings his mother is called a widow and a daughter of the tribe Naphtali, while Chronicles, without mentioning her widowhood, calls her a daughter of the tribe of Dan; the same tribe, by the way, from which Oholiab came. According to 1 Ki. 7.17, Solomon sent messengers to Tyre to secure the artist. 2 Chron. 2 gives more importance to this embassy: it tells of an exchange of letters between Solomon and the Phoenician king. In a grave epistle Solomon asks for an artist worthy of his Temple, and the king in an equally grave response selects Hiram for him.

A different range of talents is assigned to the artist by the two sources. According to 1 Ki. 7.14, he knows "how to work all works in brass"; in 2 Chron. 2.13, on the other hand, Solomon asks the Phoenician king for a man "skillful to work in gold, and in silver, in brass, in iron, in stone, and in timber, in purple, in blue, and in fine linen, and in crimson; also to grave any manner of graving." This manysidedness obviously echoes the description of the universality of Bezalel's abilities. Here the report in Kings is decidedly more historical. All the works which are described as coming from Hiram's hand, the two pillars, the molten sea, the ten bases and lavers, etc., are of brass. Certainly the technique of this metal alone requires exceptional skill and experience. A more recent example, completely analogous, will serve as illustration. In the fifteenth century, in upper Italy, when some works in bronze were planned, experienced artists were imported from Florence — Donatello, Niccolò di Giovanni Baroncelli, and Antonio di Cristoforo — since no local masters understood the technique of bronze casting. Likewise, the chief reason for Leonardo da Vinci's call from Florence to the court of Lodovico Sforza in Milan was that the duke wanted to erect a bronze equestrian statue of his father.

■ Josephus, *Antiquities* VIII, 3, 4, maintains that this Phoenician was of Jewish descent. I suppose he is moved by the desire to acquire the whole of the artist for his people.

In later writings about the building of the Temple Hiram is sometimes considered an architect,<sup>6</sup> probably because it was thought that the two brass pillars formed a part of the structure. Today we know that these, like similar double pillars used in other oriental temple buildings, must have stood *in front* of the building itself, and that the reason for their erection was not architectural, but purely cultic. Hiram as an architect is nowhere mentioned in the Bible; he casts in brass, as other artists specialize in other metals. Thus already in Judg. 17.4 a goldsmith [צורף] is mentioned who built an idol for the house of Micah.

Like Bezalel and Oholiab, Hiram is to be assisted by other helpful hands. In the letter that conveys Solomon's request for an artist to the Phoenician king, Solomon mentions that the chosen artist will work "with the skillful men that are with me in Judah and in Jerusalem, whom David my father did provide" (2 Chron. 2.6). Evidently David, like other oriental potentates of his time, had created a body of court artists, to which Hiram was now added.

From these several accounts it is plain that, compared with the conception of the artist in the Book of Exodus, the artist in the Books of Kings and Chronicles is viewed in a somewhat secular light. Here it is not God Who breathes His spirit into him and shows him the designs; the artist himself is "filled with wisdom and understanding" (1 Ki. 7.14) to plan and to carry out his task.

After the days of Solomon, according to the Bible, the artist must have found increasing employment. Palaces are erected for the rulers of the northern and the southern kingdoms; the splendor of their furnishings has been illustrated in ivory tablets found in Samaria.<sup>7</sup> At the same time temples are built for the various divinities, and even the temple-place sacred to Yahweh does not remain free of foreign idols.

<sup>6</sup> In Odilo Wolff, *Der Tempel von Jerusalem*, Vienna 1913, pp. 2, 26. Also in the *Jüdisches Lexikon* under Hiram.

<sup>7</sup> The artists who made these tablets, local workmen, were probably natives of Syria; their style at least would seem to indicate this. Cf. I. W. and Grace M. Crowfoot, *Early Ivories from Samaria*, London, 1938, p. 50.

The possession of such idols, furthermore, is by no means restricted to the temples. The common man has images in his home, and excavations have brought to light many such statuettes, most of them rather inartistically shaped of clay. We have reports of the moulder who fashions such figures, of the goldsmith who plates them with gold, of the woodcarver who, from a log, carves idols for the use of the poor (Isa. 40.19 f. and 44.13). It is very likely that some of these artists, particularly those who received commissions from the kings, were highly respected. Their works are not praised nor their names handed down, but we must remember that the story of these kings, in its present form, was written by men who abhorred the idolatrous cult.

From early times there was opposition to the images and their worship, particularly at the instigation of the prophets who fought bitterly against every cult save that of Yahweh and against every use of pictorial representation in their own cult. The description of this strife belongs in the field of religious history and warrants no detailed discussion here. For our study of Jewish artists the following observations will suffice. It was this passionate devotion to one God on the part of the prophets that led to the overwhelming spiritual growth of the Jewish people over the idol-worship of their neighbors. They experienced His immeasurable greatness with such intensity that all human effort became minimal by comparison. But art *is* human: how could it aspire to create objects worthy of worship? Hosea (8.6, 13.2, 14.4), Deuteronomy (27.15), Isaiah (2.8), and Deutero-Isaiah (Isaiah 40.18–20) have given emphatic expression to this point of view. Here is an example in the words of Isaiah:

“Their land is full of idols.

Everyone worshippeth the work of his own hands,  
That which his own fingers have made.”

And from Deutero-Isaiah:

“To whom will ye liken God?

Or what likeness will ye compare unto Him?

The image perchance, which the craftsman hath melted,  
And the goldsmith spread over with gold,  
The silversmith casting silver chains? . . .”

In these observations there is not only reproof for the idol but also a touch of disparagement for the person that shaped it. Instead of praise for his divine inspiration, his great gifts, there is contempt for his earthly nature, his smallness, in contrast with the immensity of God.

With the eventual disappearance of idolatry the Jewish artist gave up religious sculpture. But Jewish art and the Jewish artist by no means passed away. Just at that time, during or shortly after the Babylonian exile, there arose — in the field of architecture—a new theme: the synagogue. Here an increasingly spiritual concept of God could find adequate expression. Likewise there was new work for the artistic craftsman. Ornate chairs could be carved for the leaders and the elders of the synagogue; there were curtains to be woven, mosaic floors to be laid.

A further impetus was now given to Jewish art by the contact with Greek influences. This contact began even before the Hellenistic era, in the fifth century, although there was a strong nationalistic opposition to the infiltration of alien ideas. Furthermore, the Hellenistic period threw open to the Jews new cities, Alexandria, Antiochia, Rome, and their residence there brought them far closer to the Hellenistic cult of beauty than they ever were in Palestine. Recent finds in Dura-Europos have proved that this contact with Hellenistic esthetics even resulted in synagogue paintings in which human beings were portrayed.

The increasing impulse toward beauty at this time is borne out by a report, supposed to be a letter from Aristéas, a Greek official at the Egyptian court of Ptolemaeus Philadelphus (287–246 B.C.), but actually written much later, probably about 145–127 B.C. The report tells of a trip to Jerusalem made by Aristéas in search of a Pentateuch and a good translator to render it into Greek. The Jews presented him with a Torah, written in gold on parchment, for the king, his master.

Whether the decoration of sacred books went any further than this, whether they were illuminated at this time, as later in the Middle Ages, is not yet known. We can only assume, from our examination of oriental miniature manuscripts of the early Christian era, that such decorations were used by the Eastern Jews, particularly in Alexandria.



Alexandria, the metropolis of its day, also possessed a wonderful synagogue, remembered even after its destruction (117 of our era) as a "glory of Israel." The Talmudic account of it (Suk. 51 b) does not give the name of any artist. Not the artist but the work was enshrined in memory.

In the same account we find further information about the life of the artists of that day. The craftsmen "did not occupy their seats promiscuously, but goldsmiths sat separately, silver-smiths separately, metalworkers<sup>8</sup> separately, and weavers separately, so that when a poor man entered the place he recognized the members of his craft and applying to that quarter obtained a livelihood for himself and for the members of his family." Here is a view of the great trading center where every sort of artisan may be found in such numbers that a section is devoted to each separate craft, and so well occupied that he can offer work to a traveling member of his guild. In Jerusalem similar conditions may have prevailed: according to the Talmud (Meg. 26 a), the coppersmiths of that city had even a small synagogue of their own.

The seal engravers were held in particular esteem; their technique was traced to the biblical description of Aaron's breastplate (Ex. 39). Numerous samples from the times of the kings have been excavated. A splendid example is the seal, found in Megiddo, of Šema', probably a minister of King Jeroboam II (784-744); it is carved with the picture of a roaring lion. I. Benzinger<sup>9</sup> ascribes it to a non-Jewish source, because of its resemblance to Babylonian and Assyrian representations of lions, and because of its delicacy of execution, far exceeding that of other seals of the same time and place. But use of a foreign style can never controvert Jewish origin of an art object; and

<sup>8</sup> This translation of the word טרסיום is given by the Soncino Press Translation, p. 245. S. Krauss, *Griechische und lateinische Lehnwörter* II, p. 276, thinks that it refers to *tarsia*=*intarsia*—inlay work. L. Loew, *Graphische Requisiten und Erzeugnisse bei den Juden*, Leipzig, 1870, p. 631, translates it as seal-engraver. The word has even been taken to refer to the city of Tarsos, in which much weaving went on, but weavers are mentioned explicitly in the next words.

<sup>9</sup> *Hebräische Archäologie*, 3. ed., Leipzig, 1927, p. 225 with illustration of this seal and a similar Assyrian specimen.

why should not one of the many makers of seals who must have operated in ancient Israel distinguish himself by exceptional skill? Besides, the recently discovered seal of Jaazaniah, with a picture of a running rooster, equals, in its naturalistic freshness, the quality of the Šema' seal.<sup>10</sup>

In the second century B.C., in Ecclesiasticus (38.27), we find particular praise for the Israelitic seal-engraver and the care and lifelike quality shown in his work:

"His diligence is to make variety,  
He setteth his heart to make his likeness true  
And his anxiety is to finish his work."

In the Tosefta, Aboda Zara, the express permission is given to make seals with a ring whose carving includes figures, provided only that the human figure is not used (ed. Zuckermann, p. 486). We shall meet the Jewish seal-engraver of artistic bent in the Middle Ages and in modern times as well — his craft is to be found throughout the history of Jewish art.

There seems to have been a golden age of Jewish craftsmanship extending from later antiquity far into the first centuries of our era. As late as the sixth century Cosmas Indicopleustes, of Alexandria, speaks in his *Topographia Christiana* of the workers in gold, silver, bronze, stone, wood, of the weavers and dyers who are mentioned in the Bible, and closes with the words: "even today we find these occupations followed mostly by Jews."<sup>11</sup>

Pictorial tapestries had become such a speciality of Jewish textile workers, particularly in Northern Egypt, that they were called *judaica vela*.<sup>12</sup> Alexandria seems also to have been the chief source of gilt glass — glass with inlaid gold figures on the bottom — which was very popular both with Jews and with Christians. The glass used by Jews, decorated with distinctive symbols, was

<sup>10</sup> William F. Badé, *The Seal of Jaazaniah*, ZATL 51, 1933, p. 150 ff.

<sup>11</sup> ed. Winstedt, p. 121. After Jean Juster, *Les Juifs dans l'Empire Romain*, II, Paris, 1914, p. 305, note 5.

<sup>12</sup> By Claudius Claudianus, born at Alexandria in the fourth century, in his poem "*In Eutropium*" I, 350 ff. After Jean Juster, *l. c.* II, p. 306. Cf. also S. Krauss, *Talmudische Archäologie*, I, 1910, p. 153.

surely the product of Jewish hands. Likewise other glassware sometimes betrayed, by its decorative motifs, a Jewish origin. Jews also must have produced the great stone sarcophagi which were found in the Jewish catacombs of Rome; these likewise may be distinguished from the early Christian sarcophagi by a symbolical language of their own.

A masterwork of the Jewish goldsmith's art is mentioned by Strabo, Pliny the Younger, and Josephus:<sup>13</sup> a golden mountain with trees and animals, surrounded by a grapevine — presented by Aristobul II (67–63 B.C.) to Pompey, who placed it in the temple of Jupiter Capitolinus in Rome. Similar flowers and fruit formed of gold and silver were used as spice boxes in Eastern Europe during the seventeenth and eighteenth century, and it is quite possible that in this case also an ancient tradition kept alive by oriental goldsmiths had penetrated into Europe.

In his *Antiquities* (XV.11) as well as in his *Jewish War* (V.5), Josephus portrays, in glowing terms, the Herodian temple. The Mishnah, in the tract Middoth, also gives a description. But no artist is named. The traditional linkage of the sacred object and its artistic creator had been lost.

As we have seen, the written sources which have survived give us an impressive picture of Jewish art in the last centuries of the pre-Christian and the first centuries of the Christian era, but the names of the artists are nowhere mentioned. Only in inscriptions can we find a few details about them. The Jewish catacombs in the Vigna Rondanini, Rome, gave up the Greek inscription: 'Ενθάδε κ(εῖ)τ(αι) Εὐδόξιος ζωγράφος. 'Εν εἰρήνῃ ἢ κ(οι)[μησίς σου] "Here lies Eudoxios the painter. May thy slumber be peaceful."<sup>14</sup> According to this inscription Eudoxios is often described as an animal painter,<sup>15</sup> but the word ζωγράφος had already been used to signify *painter* in the general sense

<sup>13</sup> F. Hugo Gressman in the *Sellin-Festschrift*, 1927, p. 47 f., traces the work to ancient Egyptian pomp vessels, as did Wreszinski before him in OLZ 1924, col. 570 and 1926, col. 961.

<sup>14</sup> cf. J.-B. Frey, *Corpus Inscriptionum Judaicarum*, I: Europe, Rome, 1936, p. 76, No. 109.

<sup>15</sup> E. g. by Karl Schwarz, *Die Juden in der Kunst*, 2. ed., Vienna and Jerusalem, 1936, p. 53, and by Cecil Roth, *The Jewish Contribution to Civilization*, Cincinnati and New York, 1940, p. 147.

by the time of the inscription. We may assume that he was the creator of the murals covering the walls of the catacomb where he lies buried.<sup>16</sup>

When numerous synagogue ruins from the first centuries of our era were found in Galilee, the question arose whether Jews or non-Jews had built these structures. Kohl and Watzinger, describing these synagogues in their book, *Antike Synagogen in Galilaea*, 1916 (p. 173), assumed that a Syrian architect had made the original design, since it bears a close resemblance to Syrian buildings of the same period. The workmen who carried out the details of the construction, on the other hand, may have been Jews: several of the inscriptions, he said, support this surmise, as well as the Jewish symbols appearing in many places — seven-armed candelabra, jugs of oil, Lulab and Ethrog, Torah shrines. Karl Watzinger, however, taking up the question again (1933–1935) in his *Denkmäler Palästinas*, had somewhat modified his views. He decided that for at least one synagogue, that in Chorazin, the architect no less than the founder was a Jew (II, p. 110). The proof is contained in an Aramaic inscription, which reads (according to Sukenik's interpretation, which will also be employed for several of the following inscriptions):<sup>17</sup> דכיר לטב יודן בר ישמעל דעבד הדן סטוה ודרגוה בפעלה יהי לה חולק עם צדיקים "Remembered be for good Judan son of Ishmael who made this στοά and its staircase. As his reward may he have a share with the righteous." The blessing pronounced on Judan "as his reward" indicates clearly that he was the founder. Was he also the architect? The same word עבד will appear twice again in our study, each time in connection with a blessing that seems to point to a founder rather than to an architect. The word could very well signify one who makes it possible for others to build the synagogue rather than one who himself builds it.

Similar inscriptions have appeared in various parts of these synagogues. The lintel of the now vanished doorway to the "little synagogue" in Kafr Bir'im bore the inscription, "May

<sup>16</sup> J.-B. Frey, "La Question des Images chez les Juifs," *Biblica*, VI, 1934, p. 285.

<sup>17</sup> E. L. Sukenik, *Ancient Synagogues in Palestine and Greece*, London, 1934, p. 60, note 2.

there be peace in this place and in all the places of Israel. Jose, the Levite, the son of Levi, made [עשה] this lintel. May blessing come upon his deeds. Peace." This inscription on the lintel does not prove, as Kohl and Watzinger have assumed (l.c. p. 170, 173), that Jose is the sculptor of the lintel. Far more likely is the surmise of S. Krauss that the word עשה can also mean "had this lintel made,"<sup>18</sup> and the blessing also is more readily to be applied to a donor than to a sculptor, who would hardly carve a blessing applying to himself. This lintel, which is often given as an illustration of Jewish art of that time, is a magnificent piece of sculpture, whose cost may well have been borne by a separate contributor.

A fragment of a pillar found in Ed-Dschis gives an Aramaic inscription which, according to a reading by Gustav Dalman,<sup>19</sup> is to be understood: "Jose the son of Naḥum built this column. May blessing fall upon him." Here again as in the Chorazin inscription the word עבר is used, and here again the same sense may be assumed for it. Even *one* such column with its rich and carefully carved capital would have been a fitting donation by a benefactor of the synagogue.

Such inscriptions on columns appear in other places. In the synagogue in Capernaum we find an Aramaic inscription, stating (according to Sukenik): "Ḥ L P W. the son of Zebida, the son of Joḥanan, made this column. May blessing be his." Here a third time the word עבר appears, probably once more with the same meaning.

A second column in Capernaum is inscribed in Greek letters: "Herod, son of Mo[ni or ki] mos and Justos his son, together with the children erected this column."<sup>20</sup> Here the word ἐκτίσαν must be translated as "caused to be erected"—we would hardly suppose that three generations and at least four people collaborated in the building of a single column: but a family donation would present no inconsistencies. This Greek inscription supports the view that they who sought to be immortalized by these

<sup>18</sup> S. Krauss, *Synagogale Altertümer*, Berlin and Vienna, 1922, p. 309

<sup>19</sup> *Palästina-Jahrbuch X* (1914), p. 48.—S. Klein, *Jüdisch-Palästinensisches Corpus Inscriptionum*, Vienna and Berlin, 1920, p. 78.

<sup>20</sup> Sukenik, l. c., p. 71 f.

inscriptions were not the masons but the founders and that, the word עבד appearing in the inscriptions on columns, in Chorazin likewise, refers not to the maker but only to the founder.

Thus all the inscriptions which have been taken to indicate Jewish participation in the architecture of early synagogues actually fail to prove any such fact. But they certainly do not prove the contrary. There is a reference in the Mishnah to construction work in which Jews and Gentiles cooperate. Indeed, it is expressly forbidden to work on certain types of construction: "None may help them to build a basilica, scaffold, stadium, or judges' tribunal; but one may help them to build public baths or bath houses; yet when they have reached the vaulting where they set up the idol it is forbidden [to help them] to build."<sup>21</sup> To be sure, all that this passage proves is that Jews worked in the building trades. But, considering how the arts flourished among the Jews during the later period of antiquity, there surely must have been Jewish architects.

The inscriptions found in the mosaic floors of these synagogues have also been taken as memorials of Jewish artists. In Jerash (Transjordan) the floor, depicting the deluge, bears an Aramaic inscription, located in the nave on the north side: "Peace be upon all Israel Amen Amen Selah, Phinehas son of Baruch, Jose, son of Samuel, and Judan, son of Hezekiah."<sup>22</sup> Here, according to Watzinger (*Denkmäler* II, p. 115) and Sukenik (l.c. p. 77), the shortness of the blessing and the modesty of the location chosen for the inscription warrant the assumption that this is a list of artists. But one must realize that the inscription says nothing of any activity of these men — it merely gives their names. Besides, it is difficult to believe that three artists, members of different families, were employed to design one mosaic floor.

A second inscription, likewise in Aramaic, is to be found in the synagogue of Kafr Kanna: "Let Jose, son of Tanhum, son of Butta, and his sons be kept in good memory, who made this

<sup>21</sup> *Ab. Zar.* I, 7.

<sup>22</sup> Carl H. Kraeling, *Gerasa, City of the Decapolis*, New Haven, 1938. Inscription no. 287 and plate LXIV.



surface. (דעברון הדה טבלה). Blessings upon them. Amen.”<sup>23</sup> Here again the blessing shows that it is a donor who is being thanked.

The situation is totally different in the synagogue of Beth Alpha. Here we have a mosaic floor containing a number of pictures. Near the entrance one may read the Greek words; *Μνησθῶσιν οἱ τεχνῖται οἱ κάμνοντες τὸ ἔργον τοῦτο Μαριανὸς καὶ Ἀνίνας υἱός* “May the craftsmen who carried out this work, Marianos and his son Ḥanina, be held in remembrance.”<sup>24</sup>

Here we cannot doubt that an artist is mentioned in the inscription. A father and one of his sons — probably learning the trade, as was the custom — laid the decorated floor. They refer to themselves as the artists, and no blessing accompanies their names. Their only wish is not to be forgotten. Sukenik (l.c. p. 76 f.) suspects that the two artists were Jews who used the Greek language, and came from another city, perhaps Alexandria. The themes and the style of the mosaics are reminiscent of Alexandrian art. The central figure of the mosaic, Helios in his solar chariot, shows the blend of Greek and Jewish motifs that is particularly to be found in the Hellenistic metropolis.

The Beth Alpha mosaics date from the sixth century of our era, since a second Aramaic inscription mentions the emperor Justin. Justin I of Byzantium reigned 518–527, Justin II 564–578. This epoch marks the end of the Jewish art of antiquity. The drawing in the mosaics is crude, the perspective negligently planned, the classic sense of proportions lost. Some of the figures look as though a child had drawn them. All the rich skill of antiquity has gone; the arts have sunk back to a primitive level.

It is unfortunate that the only preserved work of Jewish antiquity that can be ascribed with certainty to a Jewish artist comes from such a period of decadence. We must not blind our eyes to the fact that the Jews of biblical and Hellenistic times produced art of high quality and artists of ability.

The Oriental Jews nourished their art with this heritage through many later centuries. Benjamin of Tudela, visiting the

<sup>23</sup> S. Klein, l. c., p. 75.

<sup>24</sup> E. L. Sukenik, *The Ancient Synagogue of Beth Alpha*, Jerusalem, 1932, plate XXV and p. 47.

Orient in the twelfth century, discovered that the Jewish goldsmiths, coppersmiths, armorers, weavers, dyers, glassmakers were still plying their trades, and in considerable numbers. Indeed, to this very day, the Jews of these countries are following the same crafts. No prohibition has ever stopped them, and so the old tradition has survived intact.

## II

### THE MIDDLE AGES

At the time of the Beth Alpha mosaics, the geographical center of the Jewish nation was already shifting westward. The destruction of Jerusalem and the Temple gave new impetus to the centrifugal tendency which had already existed for some centuries. This trend contributed to the spread of Jewish influences in art; so did the new religion that had arisen from among the Jews and preserved many of their traditions and usages. A church fulfilled functions similar to those of a synagogue: it was not an abode of divinity, but a sacred house of worshippers. The Torah shrine now housed the gospels, the new scriptures were read from the *Almemor*. The stories and legends of the Bible, since they were now regarded as messengers announcing the imminence of the new faith, had lost none of their importance. They furnished themes for pictorial decorations such as had previously been produced by the Jews in art works like the murals of Dura Europos or the mosaic floors of synagogues.

Perhaps the art of illustrating the Christian scriptures, an art whose origin has been traced to the early Eastern church, was similarly modelled after the earlier Jewish graphic arts. That these were practiced at the time is indicated by the Pentateuch, written in gold as a gift for the king of Egypt, which we mentioned earlier.

This relation of early Christian art to its Jewish prototype may have been fostered still more by the conversion of Jewish artists to the newer faith. Although at first the new religion took over to some extent the fear of idolatry which had characterized the art of earlier Judaism, soon heathen influences led to a complete disregard of the Old Testament commandment. Hence

the Jewish artist who went over to Christianity must have found a widened scope for the expression of his talent.

We might ask how far the artists who remained Jews contributed toward spreading their formerly developed skills in the new countries to which they emigrated. In answer we mention the Caliph 'Abd-al-Malik (646/47-705), who began to mint his own money with Arabic inscriptions; previously only Byzantine and Persian coins had circulated in his realm. He employed for this purpose the services of a Jewish coin-engraver named Sumair.<sup>25</sup>

In sixth-century France a man named Priscus performed similar services. His signature, as well as that of another artist named Domnolus, appears on the coins minted at the court of the Merovingian king Chilperich. Priscus is undoubtedly identical with the Jew Priscus who served this king as business agent and court jeweler.<sup>26</sup>

In the year 687, Greek workmen were imported into France to produce glass "in the Jewish manner."<sup>27</sup> The art of making fine glass, skillfully practiced by the Jews, was thus transmitted to the west by the Greeks. Another indication of the Jewish origin of this art is given in the work of the Roman monk Heraklios, writing, not later than the tenth century, about *The Colors and Arts of the Romans*; he mentions the "vitrum plumbeum, Judaeum scilicet."<sup>28</sup>

Benjamin of Tudela, in the twelfth century, tells of the Jewish glaziers in the old Phoenician capital Tyre, "who make that fine glass of Tyrian glassware, which is prized in all countries."<sup>29</sup> Without question the Venetians drew inspiration from these objects when they established their own glass manufacture during the time of the Crusades.<sup>30</sup>

The weaving of silk in Europe was likewise inspired by Jewish artists. The family Ibn-Albalia, living in Spain, traced their

<sup>25</sup> Leopold Löw, *Graphische Requisiten*, l. c., p. 51.

<sup>26</sup> *REJ*, 10, 1885, p. 237.

<sup>27</sup> Cf. A. Kisa, *Das Glas im Altertum*, I, Leipzig, 1908, p. 99 f.

<sup>28</sup> Edward Dillon, *Glass*, New York and London, 1907, p. 118.

<sup>29</sup> *JQR*, XVII (1905), p. 133.

<sup>30</sup> M. Grunwald, "Berufe der Juden," *Jahrbuch für jüdische Volkskunde*, 1923, p. 403.

descent to an artist-weaver named Baruch, who wove the curtains for Herod's temple. Baruch and his family were said to have been among several noble families of Jerusalem sent by Titus to Merida in Spain at the request of the Roman prefect of the city.<sup>31</sup> We must, of course, exercise caution in accepting this mere family tradition. But other evidence lends support: in the twelfth century the Norman king Roger II, after one of his campaigns, brought Jewish weavers of silk from Thebes in Greece, as captives of war, and set them to work in the royal factories at Palermo. The art of dyeing was likewise brought to Sicily by eastern Jews and extensively practiced there.<sup>32</sup> All these reports show that it was particularly in the fields of artistic craftsmanship that the Jews, bearers of an old tradition, were able to transmit their experiences for the benefit of some of the more slowly developing lands of the West.

Foremost among these countries was Spain, where the Jews lived, under Islam at least, less hampered by restrictive laws, less exposed to religious persecution, than in the rest of Europe. Here their wealth was the greatest, their culture and esthetic appreciation developed to the highest degree.

As in the days of antiquity, the crafts practiced by the Jews were here represented in all gradations, from the lowest tasks to the finest artistic handiwork.<sup>33</sup> The art of weaving — here traced back, as we saw, to a weaver of Herod's temple — reached such a height in tenth-century Cordova that Jews were employed by the court of the Caliphate. The brothers Jacob and Joseph ibn Gau wove, for the Caliph Hishâm (976–1013), costly silks and flags decorated skillfully with Arabic slogans, emblems, and other adornments.<sup>34</sup> I am inclined to assume that, among the samples of this work is a strip of tapestry preserved in the Royal

<sup>31</sup> Graetz, *Geschichte der Juden*, 3. ed., V, Leipzig, 1895, p. 55. Wolf's interpretation, *MJV* IX, 38, that Baruch had introduced the weaving of silk into Spain goes beyond of what Graetz wanted to say.

<sup>32</sup> R. Straus, *Die Juden im Königreich Sizilien unter Normannen und Staufeu*, Heidelberg, 1910, p. 69 (silk weaving); p. 38 and 67 f. (dyeing).

<sup>33</sup> Fritz Baer, *Studien zur Geschichte der Juden im Königreich Aragonien während des dreizehnten und vierzehnten Jahrhunderts*, Berlin, 1913, p. 167 shows this for Aragon, but it can be said of all Spain.

<sup>34</sup> Graetz, l. c., V, p. 330.

Academy of History in Madrid, bearing manycolored birds, beasts, and human heads as well as a Kufic inscription blessing the Caliph.<sup>35</sup> The beautiful knotted rug in the Islamic division of the Kaiser Friedrich Museum in Berlin, recognized as a synagogue carpet by Friedrich Sarre,<sup>36</sup> is another example of the craft of weaving as practiced by the Jews in Spain.

The art of making lace was also widely known. "During the twelfth and fifteenth century," Florence Lewis May writes in her recent book on *Hispanic Lace and Lacemaking* (New York, 1939, p. 292), "sumptuary laws given out in Castilla, Aragón, Léon, and Navarra mention gold and silver 'redecillas,' likewise called 'telillas' made by the Jews at Mallorca, whose brethren at Barcelona and Toledo were also skilled workers in this medium."

The work of a fourteenth-century school of Jewish cartographers on the Island of Mallorca has also survived. It is of importance for our study only because they decorated their charts with skillfully drawn allegorical figures, signs of the zodiac, and other ornaments.<sup>37</sup>

Albert Wolf already gave an account of the numerous Jewish goldsmiths in Spain. He makes a particularly interesting reference to the שבט יהודה (Tribe of Judah) of Ibn Verga, which gives us so many details of the cultural life of the Jews in Spain during the fifteenth century. Here the following reproaches are uttered by a bishop: "When a Jew commits some crime punishable by death, all the other Jews soon hurry to save him. The tailor rushes to a nobleman, his patron, the goldsmith to a duke, and so all, some with presents and some with prayers, and they do not rest until they have rescued the Jew from his peril."<sup>38</sup> The goldsmith hurries to a duke; plainly he has some influence with the nobleman, because of his artistic achievements.

<sup>35</sup> W. G. Thomson, *A History of Tapestry*, 2. ed., London, 1930, p. 40 attributes this piece to the Moors. An illustration is found in Juan de Contreras, *Historia del Arte Hispánico*, I, Barcelona, 1931, fig. 329.

<sup>36</sup> "A Fourteenth-Century Spanish Synagogue Carpet," *Burlington Magazine*, LVI (1930), p. 89

<sup>37</sup> Cf. A. Lionel Isaacs, *The Jews of Majorca*, London, 1936, p. 97. The Catalan map, compiled in 1375, is pictured in the *Jewish Encyclopedia*, III, facing p. 678.

<sup>38</sup> Ed. M. Wiener, Hanover 1866, new printing 1924, p. 20.

But the Jewish artists of Spain worked for the church as well as for noblemen, and this to such an extent as to arouse the displeasure of the Pope. Benedict XIII issued a bull in the year 1415 forbidding the manufacture of Christian ceremonial objects — goblets, crucifixes, and so on — by Jewish goldsmiths, as well as that of bindings for any Christian books which mentioned the name of Jesus or of Mary.<sup>39</sup> Books of secular content could be bound by Jews; we hear of Mahir Salomo, who binds the records of the royal treasury from 1367 to 1389.<sup>40</sup> Anyone who has held a Spanish Jewish leather binding from the fourteenth or fifteenth century in his hands, such as the richly decorated binding and the separate box of the Kennicott Bible No. 1 in the Bodleian Library at Oxford, dating from the fifteenth century, can well understand that such work was desired by non-Jews.

Indeed Jews have even painted altar-paintings in Christian churches. Guillem de Levi of Saragossa is mentioned from 1378 to 1396 as in the employ of churches in Saragossa and Calatayud. Juan de Levi, perhaps a relative of the former, made an altar-painting in 1400 for the cathedral of Tarrazona. It has been preserved, but it is badly overpainted. This same artist produced further works of this sort in 1402, 1403, and 1405, and is last mentioned in 1407.<sup>41</sup> August L. Mayer, who discussed these paintings, states also: "Not only baptized, but even unbaptized Jews in Spain painted religious paintings for Christian churches and for individuals, and some years before the expulsion of the Jews from Spain an edict was issued forbidding the issuance of such commissions to Jews and their execution of them; this edict was severely enforced by the Inquisition through inspectors."<sup>42</sup>

<sup>39</sup> Fritz Baer, *l. c.*, p. 168. Cf. by the same author: *Die Juden im Christlichen Spanien*, I, Berlin, 1929, p. 847, no. 527, 2.

<sup>40</sup> Fritz Baer, *Die Juden im Christlichen Spanien*, I, p. 413.

<sup>41</sup> A. L. Mayer, *Geschichte der Spanischen Malerei*, 2. ed., Leipzig, 1922, p. 48. Mayer also mentions, as Jewish painters of that period, Abraham de Salinas and his son Bonastruch (1406).

<sup>42</sup> Cf. *Die Darmstaedter Pessach-Haggadah*, herausgegeben und erläutert von Bruno Italiener unter Mitwirkung von A. Freimann, A. L. Mayer, and A. Schmidt, Leipzig, 1927, p. 51 f. A source is not given.



A Spanish Jew of the thirteenth century, the philosopher Salomon Fernandez, who was also an excellent draftsman, specializing in drawings of physiognomy, is mentioned by Albert Wolf (MJV IX, p. 52) in a quotation from the book by M. P. Yung, *Alphabetische Liste aller gelehrten Juden und Juedinnen, Patriarchen, Propheten und beruehmten Rabbiner vom Anfange der Welt bis auf unsere Zeiten*, Leipzig, 1817. Since I have vainly sought this Salomon Fernandez in all of the Jewish encyclopedias as well as in the large Spanish Encyclopedia Universal, I suspect that he may never have existed. Yung seems to have employed unreliable reports in the preparation of his book. We shall come across Yung again in later — equally uncertain — references.

In spite of the opposition to sculpture which had existed among the Jews since the prohibition of idols, a Spanish-Jewish sculptor has been mentioned, although in a somewhat late source. Fra Salvatore Vitale, in his book *Del Monte Serafico della Verna* (Venice, 1628, p. 44) mentions a Jew who made a portrait in sculpture of St. Francis of Assisi when the saint visited Guete in the year 1214.<sup>43</sup> The reproach added by Vitale, that the portrait was not a good likeness, is anachronistic — at that early time no portraits in Europe were good likenesses, or even tried to be. It was sufficient if the cut of the beard, the costume — at worst, the inscription underneath — divulged the name of the subject; neither the artist nor the viewer was prepared to distinguish individual traits in these portraits. Thus we may expect no better likeness in this sculpture of St. Francis than in the many portraits of him that have appeared in paint.

Finally we may ask: what about the Jewish architects? We have reports of a great number of synagogues built in Spain during the Middle Ages, and we should like to assume here, as in ancient Palestine, that some or all of these were built by Jews. We may be sure that the lively artistic activities of that day must have included at least a few Jewish architects. Unfortunately we have as yet no actual proof of this surmise. In the

<sup>43</sup> Quoted after Henry Thode, *Franz von Assisi und die Anfänge der Kunst der Renaissance*, 2. ed., Berlin, 1904, p. 83, note 1.

synagogue of Cordova this Hebrew inscription has been found:<sup>44</sup> מקדש מעט וזה העודה שכללו יצחק מחב בן הגביר אפרים נבנה שנת שבעים וחמש בנין שעה [קום] אל וחיש לבנות ירושלים "This little sanctuary and abode of testimony Isaac Meḥab (Maḥeb?), son of the honorable Ephraim, has completed, and he has built it in the year 75 (1314/15) as a temporary structure. Haste, O God, to rebuild Jerusalem."

Isaac Meḥab has been taken to be the architect, but the inscription may refer to a founder as well. The phrase *little sanctuary* is quoted from Ezekiel (11.16), where God consoles the prophet in his exile, promising that He will be a little sanctuary to his people even in foreign lands. The use of the phrase here expresses a feeling of exile and is bound up with the hope for an eventual return to Jerusalem. Such messianic hopes attained frequent expression in Spain at this time.<sup>45</sup> Of course these ideas become more intelligible if we read the inscription as the words of a donor. He, rather than the architect, has the right to express the motives that have led to the building of this house of worship.

The so-called Synagogue of Samuel Abulafia — the treasurer of Pedro the Cruel who built the synagogue (later made over into the church El Transito) at Toledo in 1357 — is commonly connected with an architect, R. Meir Abdeli. I have been unable to trace the origin of this name in the records. There seem to be no documents available, or at least I did not find any referring to the name, not even in the thorough history of Spanish art (*Historia del Arte Hispánico*, II) issued by Juan de Contreras in 1934. A. L. Mayer professed to have found, in the style of the decorations in this synagogue, a distinctive art contrasting with the contemporary Christian and Moorish buildings, and showing a great resemblance to goldsmiths' work.<sup>46</sup> Yet this re-

<sup>44</sup> According to the *Jewish Encyclopedia*, IV, p. 267.

<sup>45</sup> Cf. Graetz, *l. c.*, VII, p. 361.

<sup>46</sup> In a lecture about the Spanish synagogues, reported in the *Bayrische Israelitische Gemeindezeitung*, 1929, No. 8, p. 123. Ernst Kühnel, *Maurische Kunst*, Berlin, 1924, p. 52, finds, in the decoration, a mingling of Arabic abstraction and Gothic naturalism and claims that this mingling could easily be imagined among Jewish artists, subject to both influences. But the same mixture is a general characteristic of the Mudejar style.

semblance does not lead to any conclusion; the influence may equally well have come from Christian or Islamic goldsmiths. The Spanish synagogues of the Middle Ages that have been preserved do not really differ so greatly from the other buildings erected in that country that one can speak of a particular Jewish style; hence we can only guess about their builders.

In the other countries of Europe that were inhabited by Jews we can find, unfortunately, only sparse information about their artistic activity during the medieval period. In Italy we discern a particularly fine culture among the Jews of southern Italy and Sicily, especially under Frederick II in the thirteenth century and after the union of Sicilian and Spanish royalty in the fourteenth and fifteenth centuries. We hear of magnificent synagogues in Messina and above all in Palermo, where Frederick II gave the Jews permission to build. "The synagogue of Palermo," Obadiah of Bertinoro wrote in 1486, "has no equal in the world." A more detailed description of this synagogue, very important for the history of Jewish art, is included,<sup>47</sup> but the name of the architect is not given. We are told, however, that there was a whole guild of Jewish carpenters in Palermo, whose guildmaster, Joseph Caschini, even assisted in the construction of the royal palace in 1451.<sup>48</sup> Hence it is very likely that the synagogue of Palermo and also the other Sicilian synagogues were built by Jews. After all, the craftsmen in Sicily came largely from their midst, so much so that their expulsion — together with the Spanish Jews — in the fifteenth century met the bitter protest of high officials because the sudden removal of these craftsmen, particularly the ironworkers, could only harm the general welfare.<sup>49</sup>

<sup>47</sup> *Jahrbuch für die Geschichte der Juden und des Judentums III*, 1863, p. 220.

<sup>48</sup> Cf. *Oesterreichische Wochenschrift*, Vienna, 1897, p. 488: "Zur Geschichte der Juden in Sizilien, nach dem Codice diplomatico dei Giudei di Sicilia" (in *Documenti per servire alla storia di Sicilia*, 1. series, VI and XII).

<sup>49</sup> R. Straus, *l. c.*, p. 72. In the *Encyclopedia Judaica*, VIII, column 692, M. Cassuto writes: "The synagogue built in 1247 at Trani (Lower Italy) is undoubtedly the work of a Jewish architect." No source, however, is cited in support.

From medieval France, the data are equally negligible. Since the Jews were expelled from French crown possessions in 1306, they could only reside in Lorraine, la Franche Comté, Savoy and Provence, lands free of the crown sovereignty. But the few short hints that we can glean still give testimony of avid activity in the applied arts. It is believed that the signature of a Jewish seal engraver has been found on the seal of Kalonymos b. Todros, who lived in Narbonne until 1306.<sup>50</sup> The seal is two-sided, with Hebrew lettering for business with Jews and Latin for business with non-Jews. The Hebrew side bears, besides the name of the owner, the name **ישיע כהן**. But since the lettering of this name is of the same size as that of the owner's and only a little narrower — and hence would appear on every seal made with the stamp — we may doubt whether this is actually the name of the artist. That such artists must have existed, however, there is no doubt. Since we have found Jews as seal-engravers since antiquity, we may suspect that this seal also came from a Jewish hand. The very ornament of the seal is Jewish; on each side appears a rampant lion, the ancient symbol of Judah.

In France we also hear much about Jewish goldsmiths.<sup>51</sup> Yet it was in France that, for the first time, so far as we can learn, a gentile — Robin Asard of Avignon in 1439 — made a Torah crown for a congregation — the congregation of Arles in Provence.<sup>52</sup> He was constrained to work in the house of one of the Torah crown donors, and to stop work on the Sabbath and the Jewish holidays.

In England King John (1167–1216) had a Jewish goldsmith named Leo<sup>53</sup> — here also the Jewish goldsmiths were widely known. A Jewish painter is reported to have worked for Edward I (1239–1307), but the report sounds so legendary that even the name given may be an invention. The story makes its appearance

<sup>50</sup> Wolf, *MJV*, IX, p. 33 f. Illustration in Gustave Saige, *Les Juifs de Languedoc antérieurement au XIV<sup>e</sup> siècle*, Paris, 1881, p. 60.

<sup>51</sup> Wolf, *MJV*, IX, p. 13; XV, p. 3.

<sup>52</sup> The contract is copied in the preface to the catalogue of the M. Strauss collection, Poissy, 1878, p. VIII ff.

<sup>53</sup> Joseph Jacobs, "Notes on the Jews of the Angevin Kings," *JQR*, IV (1892), p. 644.

in an eighteenth century book by Richard Newcourt, *Repertorium Ecclesiasticum Parochiale Londinense* (I, London, 1708, p. 765). It was quoted already by Wolf from an article in the Jewish Chronicle,<sup>54</sup> although only in extracts here and there. Though untrustworthy, the tale may be quoted in full because it throws at least some light on the position of the Jewish artist in the Middle Ages. The Madonna is said to have appeared to the sleeping king with the following command. "Go tomorrow to a certain Jew named Marlibrun, a painter, whose like is not to be found in the whole world — he lives in London, in the Billingsgate quarter — and command him to paint a picture of me in the form in which you now see me. By divine inspiration he will give me two faces, one in which I resemble my son Jesus, and another which is like me at every point, so that no one will find the slightest trace of ugliness in it. Set up this picture in the cemetery chapel of the Berking Church near the Tower of London, and on the northern side, where it will soon cause a great miracle. For as soon as this Marlibrun will diligently observe the expression on my two faces in the chapel, heavenly love will flame up in him so strongly that he and his Jewish wife will be converted to the Catholic religion. After this he will reveal to you many secrets of the Jews, which will enable you to punish them." What high gifts are here ascribed to a Jew — a talent for painting whose like is not to be found in the world! But also what a veil of mystery and uncanniness! It was this king, Edward I, who expelled the Jews from England in 1290.

Our fund of information about the Ashkenazic lands in this period is likewise small. From Bohemia Albert Wolf got the astonishing report about a Jewish builder named Podivin, who erected a castle with the same name, and of a sculptor Salomon Jontoff Vigales who stood in such repute among the nobility that few of the highest personages failed to have works of his in their homes, and he could command great prices.<sup>55</sup> Both notes, however, fail to stand up under closer examination. The first is taken from the old chronicler Cosmas of Prague (d. 1125).

<sup>54</sup> *MJV*, IX, p. 51; *Jewish Chronicle*, May 31, 1901.

<sup>55</sup> *MJV*, IX, p. 43 and 73.



He mentions in his *Chronica Boemorum* for the first part of the eleventh century a "Castrum ibidem situm in media aqua Zvartka nomine Podivin dictum a conditore suo Podiva judeo sed postea catholico."<sup>56</sup> Wolf seems to have found greater difficulty in conceiving of the *conditor* as a Jewish owner of a castle than as an architect, but there is no question about the former translation: Podiva was surely the inhabitant of the castle. We may adduce, in support, the description by the same historian of Prague in the year 1091: "There the Jews are swollen with gold and silver, the richest merchants in the world, the wealthiest bankers." With the freedom accorded to the Jews in eleventh-century Bohemia, a Jewish castle-owner is quite conceivable. Besides, it is possible that Podiva built his castle only after he had embraced Christianity. Podiva's son is mentioned by Cosmas as a priest of exceptional scientific knowledge.<sup>57</sup>

The report about the sculptor Vigales, taken from the book *Altertümer der Prager Josefstadt* (Prague, 1882, p. 127) by David Podiebrad, is there traced back to the so-called Ramschak Chronicle, a manuscript formerly ascribed to the seventeenth-century Rabbi, Moses Ramschak of Prague. But the Prague historian, H. Lieben, has found that this chronicle was a later fabrication, composed at the end of the eighteenth or the beginning of the nineteenth century, and that it is not based on any older historical information.<sup>58</sup> Hence the story of Vigales is equally uncertain.

In Germany, during the early medieval period the Jewish craftsman must surely have been a part of everyday life. But here the restrictions gradually became so oppressive that the number of Jewish workmen decreased constantly. A few examples of their work may be given, however. In the twelfth century, a mason left us a memorial to his work, but without his name. The artist who carved the two columns of the main hall in the

<sup>56</sup> *Scriptores Rerum Germanicarum*, nova series II, 1923.

<sup>57</sup> I found confirmation of this interpretation which I had already given in my *Einführung in die Jüdische Kunst*, Berlin, 1935, p. 61, later in the collection *Die Juden in Prag*, Prague, 1927, in the article by Samuel Steinhart, "Die Einwanderung der Juden in Böhmen," p. 40 f. and 55 f.

<sup>58</sup> *Die Juden in Prag*, l. c., p. 45 f.



Worms synagogue, with their Romanesque capitals,<sup>59</sup> placed there an inscription which begins: פארי העמודים שנים עשה בלי עצלחים . . . "The decorations of the two columns he made without idleness . . ." (illust. 3). This inscription leaves no room for the interpretation, forced on us by most of the Palestinian inscriptions, that it is a memorial to a donor—"without idleness" one may work, but hardly give money for the building of a synagogue.

Wolf, (MJV IX, 45) thought that he had found the traces of two more Jewish masons in a Nuremberg "Bürgerbuch" (list of citizens) for the year 1338: Josep der Steinhauer and Elis, faber de Lapide. The first was indeed a mason, the second however, a blacksmith (faber) called de Lapide because he came from *Stein*, a village near Nuremberg.<sup>60</sup>

Moreover dyers, glaziers, locksmiths, goldsmiths, etc. are named at various times, but they probably worked only for their fellow-Jews, and we do not even know whether there were enough of them to fill all the wants of a rich Jewish community. Were for instance the glass windows of the Romanesque synagogue in Cologne, with the picture of lions and snakes that aroused the ire of R. Eljakin b. Joseph,<sup>61</sup> the work of a Jewish glass-painter? And who built the numerous synagogues in Germany?

We may learn the extent to which a visitor could enjoy an artistically furnished Jewish home in fifteenth-century Germany from the description by Anselmus de Parengar of the home of the Regensburg Rabbi, Samuel Belassar.<sup>62</sup> The historian tells of the pictorial carpet, the star shaped sabbath lamp, the silver cup "fashioned by a master's hand," and the silver basin for ritual ablutions. Then there is a cabinet filled with odds and ends, gold chains and spangles, gilt and silver vessels and rare

<sup>59</sup> Cf. R. Krautheimer, *Mittelalterliche Synagogen*, Berlin, 1927, p. 142 and note 140. Our illustration is derived from the collection *Aus der Geschichte der Juden im Rheinland*, Düsseldorf, 1931.

<sup>60</sup> Krautheimer, *l. c.*, p. 267, note 142.

<sup>61</sup> D. Kaufmann in *JQR*, IX, p. 263.

<sup>62</sup> In *Jahrbuch für Israeliten*, published by Joseph Wertheimer, Vienna, 1856, p. 168. Quoted with some omissions by Adolph Berliner, *Aus dem Leben der deutschen Juden im Mittelalter*, Berlin, 1900, p. 36.

antiques. We must, however, raise the question whether all this was the product of Jewish craftsmanship or whether the custom of ordering such objects from Christian workmen had already begun in those days. Nevertheless there is no documentary proof of such commissions from non-Jews before the middle of the sixteenth century.<sup>63</sup>

In one single field we have definite proof of a lively artistic activity on the part of German Jews during the Middle Ages — that of the decorated book. But since this activity is also to be found among the Jews of other countries, I shall extend the scope of our discussion. We assumed that the Alexandrian Jews had already undertaken the decoration of their manuscript scrolls. This is borne out by the fact that we find in Egypt, from the ninth to the eleventh centuries, the earliest decorated Jewish manuscripts, with rich ornaments whose style shows the influence of Islam.<sup>64</sup> From here the art very likely spread to the Jews of Europe, where the Church had long encouraged its practice by endeavoring to honor the Christian holy books with sumptuous decoration. From the thirteenth century on, the illumination of books was generally in use among the Jews, and continued to flourish until after the end of the Middle Ages. The artists who worked on these books were in most cases the same Jewish scribes who wrote the sacred texts, much as the first Christian illuminators were the monks who performed the task of writing. The writer did not, however, in every instance record his artistic activity in the colophon. He was often content to lay claim to the writing, tacitly receiving credit for the decoration as well. Thus, for example, in the Cincinnati Haggadah, a German manuscript from the end of the fifteenth century, Meir Jaffe states only that he wrote the book; I have been able to prove that he illuminated it as well.<sup>65</sup>

<sup>63</sup> Cf. the design by Heinrich Heidelberger, 1553, for a silver spicebox in the form of a Gothic tower, W. R. Zülz, *Alt-Frankfurt*, 1928, p. 61. Quoted after Ida Posen, *Notizblatt der Gesellschaft zur Erforschung jüdischer Kunst- und Denkmäler*, 1932, no. 30, with illustration.

<sup>64</sup> Cf. David Günzburg and V. Stasoff, *L'Ornement Hébreu*, Berlin, 1905.

<sup>65</sup> Franz Landsberger, "The Cincinnati Haggadah and its Decorator," *HUCA* XV (1940), p. 529 ff.

In thirteenth-century Portugal we find a writer named Abraham ben Jehuda ben Ḥayyim, who composed a treatise on the preparation of the colors, and, above all, the gold needed in the decoration of miniature manuscripts.<sup>66</sup> Here is further proof of the connection between the skill of writing and the art of illumination.

From the thirteenth century on, however, we find, although rather seldom, colophons which state that the scribe has not only written the manuscript, but ornamented it as well. At the end of the four-volume *Mishne Torah* from Cologne, now in the collection of the Academy of Sciences in Budapest, Nathan ben Simeon ha-Levi gives thanks to the Lord that He had "made him worthy to write, to complete, and to furnish with painted pictures the book of Ibn Maimon."<sup>67</sup> We learn also the exact dates of his work: from April 26, 1295 until September 9, 1296. More than one year was spent in the preparation of this magnificent work.

In fifteenth-century Spain, on the other hand, we find in one instance that the scribe and the illuminator were two different persons. The richly decorated Kennicott-Bible No. 1 of the Bodleian Library in Oxford gives, in a first inscription, the writer's name as Moses ben Jacob ibn Zara, in a second the miniaturist's as Joseph ibn Ḥayyim. The letters of the latter inscription are cleverly formed of animals.<sup>68</sup> But such specializations seem to appear only in well-to-do Spain, an art-saturated country and very seldom even here.

Although we are frequently restricted to a single work of each illuminator by the paucity of material that has survived, recently a few cases have come to light where the same man's work can be followed through several books. I shall give a more detailed description of one such instance, both because we may

<sup>66</sup> Parma library, Cod. de Rossi 955. Cf. Carlo Bernheimer, *Paleografia Ebraica*, Firenze, 1921, p. 333-336.

<sup>67</sup> Cf. *Katalog der Bibliothek D. Kaufmann*, Frankfurt a. M., 1916, p. 17, no. 77. Also Elisabeth Moses, "Ueber eine Koelner Handschrift der Mischne-Tora des Maimonides," *Z. f. bildende Kunst*, 60 Jg. (1926/27), p. 71 ff.

<sup>68</sup> Rahel Wischnitzer gives in the *Jahrbuch für jüdische Geschichte und Literatur*, 1936 (Berlin, 1937), p. 84 ff., an illustration of this inscription.

thus achieve a clearer insight into the conditions of life of such a medieval scribe and because two of his works are actually in an American collection. Michael Fooner has devoted a monograph to the artist,<sup>69</sup> and I follow his observations for the most part, although I was able to enlarge and to rectify them on several points.

The earliest work of this illuminator is probably represented by a Haggadah in the Germanic Museum at Nuremberg.<sup>70</sup> Its decoration consists mainly of circular medallions, depicting, in freshly drawn pictures, scenes from biblical stories and from everyday life, and signs of the zodiac. The technique used contrast figures in the original parchment against a brown sepia background. The writer gives his name in the following words: "I, the scribe, Joel ben Simeon . . . , have written this Book of the Redemption for Nathan ben R. Solomon . . . May the Holy one, blessed be He, enable them to read it and sing it, they and their children and their children's children unto the end of generations. Amen . . . The scribe will not be in error, not to-day and never until an ass will climb up a ladder." The colophon shows that this decorated Haggadah was intended to last through posterity. There is also, in the picture of the ass and the ladder, a certain humor — traditional with the scribes — that accords well with the popular freshness of the illumination. The style of the figures is German and certainly precedes 1450. The word במהרה, written with little distinguishing marks in another part of the Haggadah (fol. 25), has been read as the number 252, which is the same as 1492, and this date has been suggested as the time of completion of the manuscript; but the book is certainly of earlier origin. Another little indication indeed precludes a later date than the middle of the fifteenth century. Near the end of the manuscript the scribe has followed the familiar phrase "next year in Jerusalem" with the words "or in Bruenn." It is my view that this must be another joke of the writer's. He fears that Jerusalem might not yet be accessible in the following year;

<sup>69</sup> *JQR*, new series XXVII (1936/37), p. 217 ff., Michael Fooner, "Joel Simeon, Illuminator of Hebrew MSS. in the 15th Century." Cf. also Alexander Marx, *JQR*, n. s. XIX, p. 14.

<sup>70</sup> Schlosser and Müller, *Die Haggadah von Sarajewo*, plate XI-XV.

in that case one would again meet in Bruenn. The scribe or the man for whom he was working — very likely both of them — evidently were in Bruenn when the manuscript was being prepared. But the Jews were expelled from Bruenn in 1454; we have thus a *terminus ad quem* for the manuscript.

Two other Haggadot of the same writer are at the Jewish Theological Seminary in New York, and I had the opportunity of examining them myself, when they were lent to the Hebrew Union College. The first of these resembles the Nuremberg Haggadah in its colophon: "I, the scribe, Joel ben Simeon . . . have written this [Book of the] Redemption for R. Samson ben Baruch . . ., for him and his children and his children's children for ever until an ass will climb up a ladder." The decoration of this manuscript, except for a few hastily drawn and rather crude marginal illustrations, is extremely modest. On fol. 1b, the initial word **נח** is surrounded by four animal medallions in the same sepia technique. The animals here are a little more plastic than in the Nuremberg work showing, as Fooner has justly observed, the influence of fifteenth-century development and its tendency to surpass the Gothic flatness.

The second New York Haggadah reveals its close relationship to the first in several small details. Folio 29a shows the same wavy ribbon ornaments that appear in the other New York Haggadah on folio 10a. The leaping hart is also repeated, and its drawing shows another small advance in the direction of plasticity.

Yet the style of this second New York Haggadah is by and large a different one. The initial word **נח**, for instance, is now surrounded not by medallions, but by a checkerboard design in which rosettes and profile heads alternate (illust. 1). These profile heads were unknown in the German art of that time, but we frequently find them in medallions or relief sculptures of the Italian Quattrocento.<sup>71</sup>

<sup>71</sup> I emphasize this point particularly because a similar motif is to be found in a Haggadah of the Stadtbibliothek in Frankfurt on the Main (Cod. 725/17), written in Italy about 1500. Here again there is the checkerboard design, filled alternately with a woven design and with heads. Rahel Wischnitzer, reproducing this page in her book, *Gestalten und Symbole der jüdischen Kunst*, Berlin and Schöneberg, 1935, ill. 78, tries to trace the heads, twelve in number,



On two adjacent pages (folio 37b and 38a), the two columns of text on each page are framed by three pillars which rest on animal figures at the bottom and are joined by arches at the top (illust. 2). Here again we find the Italianate heads. Fooner considers these two pages "quite inarticulate and clumsy in drawing" and hence ascribed them to another artist. But that is unlikely. The colors used, brown and red, are identical with those in the rest of the work, and the quality of the drawings is certainly on a level with that of the other pictures. The Haggadah is the product of a single man's hands, and the colophon indicates that the man is identical with the creator of the Nuremberg Haggadah and the other New York Haggadah that we have described. This colophon states: "I, the scrivener [לבלר] Joel ben Simeon, called Phoebus (Feibusch) Ashkenazi of the city of Cologne on the river Rhine, have written, punctuated, and illuminated [ציירתי] this Haggadah, and completed it in the month of Elul 214 [1454]." Here Joel admits for the first time that he not only transcribes but also illuminates his books.

Fooner deduced from the Italian elements in the ornamentation — the ritual is Italian as well — that the writer was living in Italy when he produced the Hagaddah.<sup>72</sup> This surmise can be supported by a manuscript which had escaped Fooner's notice, the Machsor according to German ritual which is in the collection of the Royal Library in Turin.<sup>73</sup> In this manuscript, written at Cremona in 1452–53, the same scribe signs his name: Joel ben Simeon. Thus he was in Italy already in 1452–53.<sup>74</sup>

to the twelve sons of Israel on the breastplate of the High Priest, and the woven design to Ex. 39.15: "And they made upon the breastplate plaited chains of wreathen work of pure gold." But this woven work is a motif found in upper Italy since the times of Leonardo da Vinci, and the occasionally grotesque character heads are also due to him. Furthermore the Bible speaks of four rows of three heads each, while the page in the Frankfort Haggadah has five rows, two with three and three with two heads. Hence I interpret this page, like the page in New York, as a purely decorative piece.

<sup>72</sup> *l. c.*, p. 23.

<sup>73</sup> Cod. 24, *Catalogue Peyron*, p. 62.

<sup>74</sup> Adolf Berliner, in the periodical *Hebräische Bibliographie*, XX, p. 129, reports that a second scribe, Feibusch, of Bonn, also called Feibusch Reiner, gives his name in this manuscript. But Feibusch Reiner of Bonn is surely no



What purpose brought him to Italy? Fooner speaks of a journey for artistic reasons, similar to the pilgrimages frequently undertaken by German painters. I should be inclined to believe that external compulsion was more likely to have driven him from his homeland. The sermons of the fanatical Franciscan monk John of Capistrano everywhere brought persecution and even burning of the Jews in their wake; perhaps Joel ben Simeon hurried southward to safety before Capistrano came to Bruenn in 1451.<sup>75</sup>

Finally there is a decorated Haggadah of German rite in the British Museum (Add. 14762),<sup>76</sup> likewise bearing the name of Joel Phoebus: "My heart advises me to answer him that inquires who has made these drawings, I, Phoebus named Joel, for Jacob Mattathiah . . . son of Rabbi S . . ." Phoebus mentions here specifically that he is the illuminator but omits to mention that he is also the copyist. As his ability increased, the consciousness of his artistic role seems to have stepped more and more into the foreground. Here also there is no lack of relationships to the style of the earlier manuscripts. The drawing of the initials in folio 6a<sup>77</sup>, as Fooner correctly notes, has a distinct connection with the initial decorations characteristic of Joel's earlier work. But what about the decorated borders and the marginal illustrations? Italiener, in his edition of the Darmstadt Haggadah, reproduced only a few of these, but they show a style different from that of the works safely ascribed to Joel. But the

other than Feibusch of Cologne on the Rhine (hence Reiner or rather Rheiner). He probably writes here "of Bonn" because he may have been born somewhere *between* Bonn and Cologne. Joel b. Simeon, called Feibusch, from Bonn, he calls himself again in the Machzor at the Parma library, Cod. de Rossi 1274.

<sup>75</sup> Another unknown scribe and illuminator, who began the Maḥsor of the Parma Library (Cod. de Rossi 653) at Ulm in 1450 and completed it at Treviso in 1453, thus emigrated to Italy at the same time as Joel ben Simeon. Cf. Carlo Bernheimer, *Paleografia Ebraica*, plates 21–24.

<sup>76</sup> Cf. Cat. Margoliouth 610, also Bruno Italiener: *Die Darmstaedter Pessachhaggadah*, 1927, p. 194, plate 4–6. At London, in 1939, I was able to observe only the two pages that were on exhibition. The chief librarian was on vacation and I could not take the whole manuscript out of its case.

<sup>77</sup> Italiener, *l. c.*, plate 5.

Italianate forms as well as most of the initials in the second New York Haggadah show similar divergences from the style of the Nuremberg Haggadah and the New York Haggadah No. 1. The fact is that we cannot always expect to find a unified artistic personality in the early Jewish artist. He has contact with new schools, from which he derives new influences. One can hardly imagine a collaboration in this book, whose colophon points so proudly to the artistic identity. The date of origin of these pictures also appears to be not later than the middle of the fifteenth century; this agrees with the artist's other known activities. The question of the place in which this manuscript was written, I think I can solve by a consideration of the man for whom the work was prepared. This Jacob Mattathiah also caused another surviving manuscript to be written, the two-volume Maḥzor (Cod. Hebr. 3) in the Munich State Library. Here the scribe is not Joel; he says: "I, Isaac the scribe, have written and punctuated this Maḥzor, from Yom Kippur on Thursday the twelfth of Tammuz 5219 [1459-60] for Rabbi Jacob Mattathiah, son of Rabbi Isaac of blessed memory."<sup>78</sup> There is no doubt that the same Rabbi Jacob Mattathiah is meant here to whom Joel ben Simeon also dedicated his manuscript now in London. When Joel calls him there Mattathiah, son of S., the S. is an abbreviation for Sekel, and Sekel was the usual transformation of the name Isaac among the German Jews, as Moses Marx was good enough to inform me.

Joel ben Simeon thus seems to have left Italy again, perhaps when he saw that Germany had quieted down after the death of Capistrano (1456). He had gone to Ulm, probably only temporarily, as he had once stayed in Bruenn. For such a scribe could not find full employment in a stationary residence, and also had no permanent position in a congregation. He would be accustomed to lead an itinerant existence, and stay in one place only as long as he could get commissions there. The wandering printers later inherited the way of life of these wandering scribes.

The beautifully decorated book also needed a beautiful binding, and the Jews in medieval times had a further opportu-

<sup>78</sup> Cf. Moritz Steinschneider, *Die hebräischen Hs. der K. Hof- und Staatsbibliothek in München*, 2. ed., Munich, 1895, p. 1.

nity to show their esthetic interests in this field. A particularly popular form of adornment for bindings during the fourteenth and fifteenth centuries was tooled leather, in which ornaments and pictures were cut into moistened leather, to appear slightly heightened in the completed binding. The German non-Jewish bookbinders of these times used the technique frequently, and the form of their ornamentation is the same as that used on Hebrew books; but it must be mentioned that a thoroughly impartial expert characterized some of the leatherwork on Jewish books with the words, "they belong to the technically and artistically most perfect of the epoch."<sup>79</sup>

Fortunately we can state definitely that these tooled leather bindings of Hebrew books of which a considerable number has been preserved — were made by Jews. This can be seen from the fact that some of them carry Hebrew inscriptions on their covers, and that these unquestionably Jewish bindings are very closely related in style to the others used on Hebrew books. In my article on the Cincinnati Haggadah (H.U.C. Annual XV, 1940, p. 543 ff.), I devoted a chapter to Jewish leatherwork and listed several of the masters of this craft.

W. H. McCarthy<sup>80</sup> has advanced the theory that the technique of tooled leather originated with the Moors in Spain and was carried to other European lands by itinerant Jewish bookbinders. If this were true, Islamic motifs would have been brought to these other countries and used by the Jews who worked there; but such is not the case. Apparently the Jews learned the use of tooled leather in the lands where they resided and used the local styles.

The high esteem in which Jews were held as bookbinders is shown by the fact that the city of Noerdlingen in 1490 allowed a Jew to bind the city records.<sup>81</sup> and that Meir Jaffe in 1468

<sup>79</sup> Martin Bollert, *Die Lederschnittbände des 14ten Jahrhunderts*, Leipzig, 1925, p. 77.

<sup>80</sup> "An Outline of the History of Bookbinding," in *A History of the Printed Book*, ed. by Lawrence C. Wroth, New York, 1938, p. 454.

<sup>81</sup> Cf. Daniel Eberhard Beyschlag, *Beiträge zur Kunstgeschichte der Reichsstadt Nördlingen*, parts four and five, "Von der Buchbinderei . . .," Nördlingen, 1800, p. 19. Quoted after Max Joseph Husung, "Über den sogenannten Jüdischen Lederschnitt." *Soncino-Blätter*, I (1925), p. 29.

bound several books for the city council of Nuremberg.<sup>82</sup> This Meir Jaffe was certainly identical with the writer and illuminator of the Cincinnati Haggadah. Very probably we have here no isolated instance; frequently the writer and illuminator of an artistically decorated book must have been its binder as well.

A new importance thus attaches itself to the Jewish scribe of the Middle Ages. In those countries where the manual employment of Jews was circumscribed more and more, he was, in the end, the only creative artist whose work was still permitted.

### III

#### THE MODERN ERA

In the fifteenth century the printed book — symbol of a new age — took the place of the manuscript; for its decoration, woodcuts and engravings supplanted hand-painted ornaments and pictures. The Jews took up the technique of printing with enthusiasm, and of course satisfied their esthetic strivings by ornamenting and illustrating their books. "At this time also," says Julius von Schlosser in the previously cited discussion of the Sarajevo Haggadah (p. 222), "the woodcutters and engravers, like the printers and publishers were all Jews." This opinion, uttered by a scholar of the rank of Schlosser, has naturally been often repeated, but it is not accurate. It is true that there were large numbers of Jewish printers, even a few who printed Christian books.<sup>83</sup> Nevertheless printing, like so many other activities of the Jews, was so frequently prohibited that, supplying the great demand for books among the Jews became profitable for printers who were not Jews.

The artists who prepared woodcuts for the early printed books were now in a far less favorable position than they had been in the earlier production of manuscripts. In general the

<sup>82</sup> *HUCA* XV (1940), p. 544. Isaac ben Zechariah made, for Diether von Erbach, Archbishop of Mainz (1434-1459), a leather covering for a double goblet in tooled leather. Cf. Bruno Italiener in the *Festschrift für Aron Freimann zum 60. Geburtstag*, Berlin, 1935, p. 159.

<sup>83</sup> Cf. the article by Moses Marx, "Gershom (Hieronymus) Soncino's Wander-years in Italy," *HUCA* XI (1936), p. 427 ff.

abilities of Jewish artists found far less scope for expression than in the hand-decorated book. The possibility of using a woodcut not only for many copies but also, at times, for several different publications naturally led to the practice of borrowing such plates in order to save the expense of original cuts.

An example will serve to illustrate this new development in book illustration. In the Mantua Haggadah — not the first edition of 1561, but the second, of 1568 — there is a title page whose design is pretty, but rather peculiar considering the book which it prefaces. The text is Hebrew; the picture, however, shows the pagan divinities Mars and Minerva, with vases on pedestals behind them. Fruit-laden branches rise from the vases to meet in an arch at the top,<sup>84</sup> If we trace this motif, we find it in a few earlier Hebrew books, in 1555 at Sabbioneta in an edition of *More Nebuchim*, in 1551, also at Sabbioneta in the *Merkebet-ha-Mishnah*. If we go back still further, we find it originally used — as we might have expected — in books of the Italian Renaissance. Moses Marx has called my attention to the fact that this cut was already used about 1500 for Angelo Poliziano's *Oratio pro Oratoribus Senensium ad Alexandrum VI*,<sup>85</sup> and later in 1540 by a Milanese printer for Toricella's *Dialoghi di Otho Lupano*.<sup>86</sup> This particular instance demonstrates how woodcuts could wander from book to book, perhaps first used in non-Jewish works, until they finally were made a part of Hebrew books. The practice was quite general among non-Jews as well as Jews. But the small amount of work done by the Jews and their greater difficulty in finding suitable artists must have brought about a stronger temptation to borrow cuts that had already been prepared for use in other books. What a change

<sup>84</sup> Illustration given in the little edition of the Mantua Haggadah, (Jüdische Bücherei IV), Berlin, 1920. Here, however, the false impression is given that the illustrated title-page belongs to the first edition.

<sup>85</sup> Illustrated in the book by Martin Gerlach, "Das alte Buch und seine Ausstattung vom 15ten bis zum 19ten Jahrhundert," p. 75, no. 2, in *Die Quelle*, no. XIII.

<sup>86</sup> Information very kindly given by Isaiah Sonne. Illustration in A. F. Johnson, *Die Buchdruckerkunst Italiens im 16ten Jahrhundert*, Dresden-Hellerau, 1928, p. 8.



this was from the hand-written book, where the scribe produced a unique specimen each time that he worked!

We are thus led to ask to what extent the earlier scribe, or *Sofer*, was employed to decorate the printed book. Apparently he was greatly needed at the beginning. We know, for example, that the printing of books in Prague, from the beginning, furnished occupation for a writer named Meir ben David. We may assume that he provided the design for the beautiful Hebrew type used in Prague. Did he, however, draw the page ornaments and illustrations for his publishing house as well? If so, has he himself engraved them in wood? The two activities were not always one man's work in those times.

The finest product of the press of Gershom ben Salomo in Prague, the so-called Prague Haggadah of 1526, contains several woodcuts signed with the symbol  $\psi$ . It has been suspected that this letter represented the name of the printer Chayim Schwarz [Šahor], who began his career in the First Prague printshop. Accordingly he would seem to have been an artist as well. S. H. Lieben, who originated this theory,<sup>87</sup> supported it by the assertion that Schwarz, in his Augsburg Haggadah of 1534, had again made use of the same cuts. The Jewish Theological Seminary in New York was so kind as to lend a copy of this rare book to the Hebrew Union College. When the two books were compared, it appeared that the Augsburg Haggadah contains not a single woodcut in common with that of Prague. Not even the style is similar, so that the identity of the artists decorating the two books must be quite distinct.

Apparently Schwarz was a printer, but not an artist. The various ornaments which he used when he set himself up in business come from different hands. His edition of the *Turim*, for instance, made in 1540 at Augsburg, contains on the title-page two pictures from the story of the creation, in which God appears in person; no Jew of that time could ever have composed such an illustration, which violates in an extreme manner the

<sup>87</sup> In *Der Hebräische Buchdruck in Prag im 16ten Jahrhundert*, in the collection *Die Juden in Prag*, Prague, 1927, p. 94. Lazarus Goldschmidt supports the theory even more vigorously in *The Earliest Illustrated Haggadah Printed by Gershom Cohen at Prague*, London, 1940.



commandment against pictorial representation. Hence the Prague Haggadah introduces us to a Jewish artist — the Hebrew letter is proof enough — but we have no knowledge of his name or his precise occupation, whether as designer, as cutter, or both.

Nonetheless, of Jews who made woodcuts, we find definite evidence. The word חרש which follows the name *Moses ben Isaac* in the colophon of the commentary on the Pentateuch by Bahia ben Asher, published by Asriel Gunzenhausen at Naples in 1492, has been correctly given the meaning: maker of woodcuts.<sup>88</sup> But what value can we give the artistic activities of Moses ben Isaac — a brother-in-law of the printer, by the way? The same illustrations as appear in his book, (illust. 4), showing animals and nude children in a thicket of tendrils,<sup>89</sup> can be found in a non-Jewish book, a work of Leonardo Bruni (Aretino) *L'Aquila* likewise published both in 1492 and in Naples by Adolfo di Cantorno.<sup>90</sup> The cuts are still intact in this print; in the Jewish volume, however, they show signs of wear. Certainly the woodcuts of the latter were borrowed.

Of course it is possible that the artist who decorated Aquila's book was this same Moses ben Isaac. Then certainly we would have the unusual situation of a Jewish artist working on a non-Jewish book for a non-Jewish printer. This theory is favored by the style of this drawing, foreign to the usual clarity of Italian ornament at this period, and reminiscent, in their imaginative convolutions, of the art of Islam. 1492 was the date of the expulsion from Spain. Could Moses ben Isaac, like so many Spanish refugees, have come to Naples at that time? Or did he arrive earlier, like some of the other emigres? As we see, all is uncertain here; the question of Jewish decorators of printed books has of course hardly begun to be studied, let alone solved.

The profession of scribe had not been made superfluous by the invention of printing. Of certain scriptures, through the characteristic conservatism of the Jews in matters of ritual, the

<sup>88</sup> In Steinschneider's catalogue of the Bodleiana, col. 777/778.

<sup>89</sup> Cf A. Freimann, *Thesaurus Typographiae Hebraicae Saeculi XV*, Berlin, 1923 ff., A 74, 1. This is the source from which we derive our illustration.

<sup>90</sup> Illustration in the book Fava and Bresciano, *La Stampa in Napoli*, Halle, 1911/1913, plate XLVI. Information from Moses Marx.

printing was still not permitted: for example, the Torah, when in the form of scrolls for synagogue use; the inscriptions in Mezuzoth and in Tefillin; and, of course, marriage contracts and divorce papers. Some attempts were made to introduce printed scrolls of Esther, for use at Purim, but the rabbis did not grant approval.<sup>91</sup> At most, the ornaments were printed, while the text would be added later by hand. Thus the scribe continued to find occupation; and if he had artistic ambitions, these were still welcome. It is surely no accident that decorated scrolls of Esther did not come into popularity until the sixteenth century. The artistic abilities, no longer used for the handmade book, sought an outlet in this way.

This outlet, of course, could not be as satisfactory as the earlier adornment of books in manuscript. The scroll form naturally set certain limits to the artist's scope. Particular designs appear frequently, repeatedly used by an artist, sometimes even copied after his death. Two examples taken from works in American collections may serve as illustrations. The Jewish Museum in Cincinnati possesses a very charming *Megillat Esther* (Illust. 8). The columns of text are separated by vertical strips with standing figures, which represent various personages, taken from the story of Esther. Horizontal bands above and below the columns are adorned with flowers, animals, profile heads, and little scenic medallions. These ornaments are not in colors; the technique of woodcuts, not amenable to printed colors, developed the taste for the simple beauty of black and white. A special leaf containing the blessings said before and after the reading of the scroll, and decorated with figures of Moses and Aaron, gives the colophon, stating that Arje Loeb ben Daniel, from גורייתא in Little Poland, wrote the scroll in Venice in the year 1748.

A very similar scroll of Esther is in the collection of the Jewish Theological Seminary in New York, and has been mentioned by

<sup>91</sup> The printer Joseph Ottolenghi in Riva di Trento printed such scrolls of Esther on parchment in 1560, but they were declared inadmissible by R. Moses Provenzale in Mantua. He had no objections to printing on paper. Cf. Alexander Marx, "Ein verschollener Pergamentdruck Riva di Trento 1560," in *Festschrift für Aron Freiman zum 60. Geburtstag*, Berlin, 1935, p. 381 ff.

Alexander Marx, who did not, at the time, know about the scroll in Cincinnati.<sup>92</sup> Here the colophon reads, "I have written this Megillah as well as another one, I, Arje Loeb ben Daniel from נוריין, in a foreign land in ריסלי, in the house of Solomon Cazes on Elul 23, 1745." Here there is no doubt — it is the same scribe who already had written two Megillot in 1745, and who later wrote the Venice Megillah of 1748.

The designs used for the two scrolls signed by Arje Loeb reappear in a number of other unsigned works, scrolls of the Book of Esther. Alexander Marx draws the conclusion that this type of decoration came into use at the hands of Arje Loeb, that is, in the middle of the eighteenth century. I cannot subscribe to this opinion. The ornaments of the borders, particularly the medallion heads, are characteristic of the Italian Renaissance. The costumes are likewise those of the Northern Renaissance, probably about 1600. Thus we see in this example that the design of a book, in this case a scroll of Esther, has survived through one and a half centuries.

A further activity for the talented scribe was in the ornamentation of marriage contracts. Here also, characteristically, such richly decorated Ketubot become numerous only in the modern era, and are to be found in the greatest profusion in seventeenth and eighteenth century Italy.

I have never been able to discover a signature on these Ketubot, but they were unquestionably made by Jews. The type of decoration certainly shows a close familiarity with Jewish ideas.

Then also the handwritten and hand-decorated book was not completely superseded by the printed book. We find analogous conditions among the Christians. For centuries after the invention of printing, religious books were written and illuminated in the convents, because the uniqueness and the heightened coloring of such works gave them a special dignity.

We find, however, that the printed book exerted some influence on the manuscripts written in later days. A printed Haggadah with copper engravings, appearing at Amsterdam in 1695, enjoyed an especial popularity. These engravings were used as

<sup>92</sup> The Jewish Theological Seminary of America, *Register* 1931/32, New York, 1931, p. 155.

models for handpainted illuminations by many later artists; at times one may find the title-page so meticulously copied that at first sight it is hard to tell whether a hand-made drawing is not actually an engraving. But the verdict of Julius v. Schlosser that this later hand-illustration of books "has no longer an independent inspiration, but copies dully and mechanically the engraved and printed editions"<sup>93</sup> is not altogether just. Besides these uninspiring copies, scribes at this time still occasionally brought forth works quite equal in quality to the medieval manuscripts. A group of scribes trained in Moravia during the early eighteenth century showed particular skill. They toured Germany and decorated Haggadoth in that country. Joseph ben David, for instance, originating in Leipnik, wrote a Haggadah at Frankfort on the Main in 1731, whose last page contains a charming oval portrait of the daughter of his client, Isaac Schwarz.<sup>94</sup> Of still more interest are the works of Moses Juda, called Loeb, son of Benjamin Wolf Broda from Trebitsch. The Rosenthaliana in Amsterdam possesses a Mohel-book of the year 1713, which contains a genre painting of the circumcision of a child by the Mohel. Equally delicate is the painting in the two closely related Haggadoth which he wrote, one in 1717 and one in 1723 — the latter for Lazarus of Geldern, a great-grandfather of Heinrich Heine.<sup>95</sup> The scene of the Seder evening, showing the father, white-robed, the pretty housewife, and two guests, seated in a lofty room whose windows reveal the onset of spring, gives forth the delicate grace of the Rococo style. Aaron Wolf Herrlingen of Gewitsch, a few of whose manuscripts have reached the United States, was also a member of this Moravian group, among whom the painting of miniature illustrations reached a high point even long after the invention of printing.

<sup>93</sup> Cf. his edition of the Sarajevo Haggadah, *l. c.*, p. 226.

<sup>94</sup> I know this manuscript only from the description in the auction catalogue of Maggs Bros., no. 524, "The Art of Writing," No. 259 with illustrations.

<sup>95</sup> The 1717 Haggadah is mentioned in the *Notizblatt der Gesellschaft zur Erforschung jüdischer Kunstdenkmäler*, no. 22 (1928), with an illustration; that of 1723 is considered by Elisabeth Moses in the collection *Aus der Geschichte der Juden im Rheinland*, 1931, p. 187 f., with several illustrations.

These details about printed and written scrolls and books have led us far into the modern era. Let us now examine the different European countries separately.

Italy reached a golden age during the Renaissance that continued well into the eighteenth century, and brought forth immortal creations in architecture, sculpture, and painting. Did the Italian Jews take part in this glorious period? They surely did not remain untouched by the beauty that came before their eyes. For example: in the Ghetto of Siena, the Jews erected in the fifteenth century, a fountain surmounted by a statue of Moses. Such an event would have been almost inconceivable in earlier times and in other countries—a statue, and what is more, in a public place. The fountain has long vanished; the statue, however, a work of the Sienese Antonio Federighi, has survived (Siena, Duomo-Opera).<sup>96</sup> Furthermore we read in the *Riti Ebraici* of Leon da Modena (1571–1648) about the prohibition of pictures among the Jews, and the scholar closes with the following words: “But in Italy there are many who have freed themselves of this restriction, and have paintings and portraits in their homes, although they avoid sculpture, both relief and in the round.”<sup>97</sup> Here we find the Jews sharing in one of the achievements of the Italian Renaissance — portrait painting, a result of the discovery of and admiration for individual personality in that era.

This new emphasis gave rise to the vogue of the portrait medal. In this vogue, the Jews also took part, and several examples have survived. We have the medal of Grazia Mendes, niece of the celebrated Grazia Mendesia. The inscription is half Hebrew, half Latin; in that period a singular mixture of the two cultures existed among the Jews. The artist signs a P. on the sleeve of the lady's garment. To judge on the basis of style, that can only mean Pastorino, a non-Jew. A second medal, for Elia de Lattes and his mother, is unsigned, but so completely Italian—the inscription here is all in Latin — that it is also undoubtedly the work of an Italian artist.

<sup>96</sup> Illustration in Paul Schubring, *Die Plastik Sienas im Quattrocento*, Berlin, 1907, ill. 40.

<sup>97</sup> Part I, ch. 2, section 3.



A third example of this art, however, is very likely the work of a Jew. That is the Beer medal, of which only a single copy, preserved in the Cabinet des Médailles of the Bibliothèque Nationale at Paris, has survived. The obverse (illust. 7) shows a noble profile, a beardless head crowned with a wreath of laurel. This head, modelled in the style of the early Italian Renaissance, is surrounded by many Hebrew words, mysterious sounding phrases that form an acrostic. The message is: "Benjamin, son of Rabbi Eliahu Beer, physician. May he live for many prosperous years." This medal was surely minted in honor of Benjamin Beer himself. Contrary to the opinions of others, who profess to see the emperor Augustus in the portrait head,<sup>98</sup> I believe that Beer is represented, particularly because the name Benjamin is written on both sides of the head augmented, farther down, by the names of his father and grandfather. The reverse gives, in Latin letters, the sayings, "*Post tenebras spero lucem*," and "*Felicitatis judex dies ultimus*"—evidently the mottoes of a humanist scholar. Here also appears the number DIIIM, which may be read either 1497 or 1503.

As regards the designer of the medal, the words Eli Romi forming part of the inscription—"my Lord, my highness"—have been ingeniously, but, in all likelihood, inaccurately, read as a reference to the artist, an Eli of Rome. I feel certain, nevertheless, that the medal was struck by a Jew. That is made probable by the abundant and irregular use of Hebrew letters spread over the entire obverse surface; even the head is pushed out of the center to make room for the letters. Classical taste would have condemned such fullness and such asymmetry. Hence we seem to have here a Jewish medalist who worked for Jews.

Fèrarès (l.c. 222) thinks that he has found a second artist of Jewish descent in the medalist Gian Cristoforo Romano, because the latter is the son of a sculptor named Isaia da Pisa. "Da Pisa," he asserts, "is a Jewish family whose traces we can still find in London, Amsterdam, and Hamburg." That is certainly true, but a Christian artist could still call himself da Pisa, as so many

<sup>98</sup> As does S. Fèrarès in the *Revue Numismatique*, 1910, p. 196 ff., "*La médaille dite de Fourvières et sa légende Hébraïque*," where the earlier literature is also cited.



have done, if he came from that town, and the name Isaia at that time was common to Jews and Christians alike. This Isaia da Pisa was actually a son of Maestro Pippo di Gante, who was a son of Giovanni Gante; these ancestors controvert Jewish origin.

In our further search for Italian Jewish artists we meet several whose works, created for church use, have Christian themes. To assume that they were still Jews — as was the case in Spain — would be utterly unwarranted with regard to Italy, the seat of the authorities of the church. The artists had to be baptized, and retained only in their names the memory of their fathers.

To begin with the sculptors: in the second half of the seventeenth century we hear of a Giuseppe Levi di Verona. A century earlier a painter of altar paintings named Giovanni Battista Levi had died in the same town,<sup>99</sup> and we may well suppose that they were members of the same family. Giuseppe Levi di Verona was actually by no means an artist of note — indeed, strictly speaking, hardly a creative artist at all, but a caster of bronze, who executed the models prepared by artists. Among the products of his shop we find some whose style places them in the sixteenth century: evidently there was still a demand for them. Leo Planiszig, who devoted a special chapter to Levi in his book, *Über die Venezianischen Bildhauer der Renaissance*, 1921, voices the surmise (p. 537 ff.) that Levi was "the successor to an ancient foundry, in which old molds had been handed down through the years, and which reproduced certain famous compositions for local and foreign clients in bronze castings."

In a church at Verona, San Giorgio Maggiore, there is a bronze statuette of John the Baptist, inscribed "*Angelus de Rubeis invenit, Josephus de Levis fecit.*" Here we have Levi again; this time the design is by Angelo de Rossi (Rubeus in Latin). Cecil Roth believes that this Angelo de Rossi was also a Jew.<sup>100</sup> But for what reason? Because the name is used by Jews as well as by non-Jews, or because he worked with the already baptized

<sup>99</sup> Both are mentioned in Thieme-Becker, *Allgemeines Lexikon der bildenden Künste*.

<sup>100</sup> The Jewish Contribution, *l. c.*, American edition, 1940, p. 66.

Giovanni Battista Levi? We shall do well to cancel Angelo de Rossi from our list of Jewish artists.

Let us consider the painters. In the recently published *Universal Jewish Encyclopedia* (I, p. 492) one finds the sentence: "There is reason for believing that the illustrious Cosmè Tura was a Jew by origin." Such a belief would be pleasant, for Tura was one of the most capable church painters of Ferrara in the fifteenth century. But what reason is there for the theory? An earlier mention appears in an article by Umberto Cassuto discussing a Jewish painter of the seventeenth century.<sup>101</sup> Here again no reason is given. But it is not hard to find the original source of the idea. In the London National Gallery there is a madonna by Tura, whose throne has among its decorations the Tablets of the Law with the Hebrew initial words of the Ten Commandments. In the Kaiser-Friedrich Museum in Berlin there is likewise a painting of the madonna, with saints, in which the painted architectural background contains Hebrew inscriptions.<sup>102</sup>

From the use of such Hebrew letters a Jewish origin of the artist has been deduced. But Hebrew words on works of art of the fifteenth century were merely an outward show of scholarly learning, like the antique fragments used in the portrayal of Christian themes, which were supposed to demonstrate a knowledge of archeology. We find similar Jewish inscriptions on a medal which surely has nothing to do with Jews. The painter Giovanni Boldù designed it — a self-portrait — in the year

<sup>101</sup> Cf. Umberto Cassuto, "Un pittore ebreo fiorentino del secolo XVII," in *Il Vessillo Israelitico*, LV (1907), p. 9, note 1.

<sup>102</sup> Both altar paintings are pictured in Adolpho Venturi, *Storia dell'Arte Italiana*, VII, 3, fig. 403 and 395. — Hebrew letters have recently been found on the famous bronze group by the sculptor Rustici, "Christ between the Pharisee and the Levite" on the Baptisterium in Florence, when a plaster cast was sent to New York for the Leonardo da Vinci exhibition. On the pedestal the inscription was discovered: "The voice called in the wilderness, prepare ye the way of the Lord." Other inscriptions — apparently dictated by a Sephardic Jew — were on the figures themselves, and Paul Romanoff, in the April issue of the *National Jewish Monthly*, 1941, believes that the words which he reads 'Hananel, son of Moreas' give the name of a Jewish artist. I do not have much faith in this idea, since the attribution to Rustici and his inspiration by Leonardo da Vinci is attested to by Vasari.

1458.<sup>103</sup> The obverse bears an inscription in which Greek and Hebrew words alternate. Both give the name of Boldù as a painter, צײד, from Venice. We may rest assured that Cosmè Tura, the son of the cobbler Domenico di Tura, was neither a Jew nor of Jewish ancestry.

A painter of demonstrable Jewish descent, however, has recently been made known by Ernst Michalski, an art historian whose premature death resulting from the Nazi persecutions ended a promising career.<sup>104</sup> Francesco Ruschi was the son of the Jewish physician Camillo Ruschi, later baptized; nothing is known of his mother. His birth and death dates are likewise lost. We know only that he received his education (probably before 1640) from the famous Roman painter Cavaliere d'Arpino, and changed his residence to Venice about the middle of the century. In this city he became one of the busiest church painters of his time. In his works, he strives for dramatic illumination and contrasts of dark and light, derived from Caravaggio, and a decorative use of space derived from Pietro da Cortona. Thus he is one of the forerunners of the style of decoration that distinguishes Venetian painting of the turn of the eighteenth century. "He breathed new life into all the younger generation," is the praise accorded to Ruschi by Giuseppe Fiocco in his history of late Venetian painting.<sup>105</sup> Paintings of his may be found in the Museum in Treviso (Expulsion of Hagar), in the Gregor Aharon Collection in London (Bathseba) and in Trieste in the Pollitzer Collection (Abigail playing a harp before David). We perceive that he likes Old Testament themes.

Fiocco, in his book cited above,<sup>106</sup> calls attention to a second Christian painter of Jewish origin, Pietro Liberi (1614–1687). Liberi was born in Padua, of a Jewish father, and lived a restless

<sup>103</sup> Illustration of this interesting medal in G. F. Hill, *Portrait-Medals of Italian Artists of the Renaissance*, London, 1912, plate XIX.

<sup>104</sup> In the article, "Francesco Ruschi, italienischer Barockmaler," in the *Central Vereins Zeitung*, XV, (Berlin, 1936), no. 38, with some illustrations and references. Further literature in Thieme-Becker, *l. c.*

<sup>105</sup> Giuseppe Fiocco, *Venetian Painting of the Seicento and Settecento*, New York, 1929, p. 38. Two illustrations.

<sup>106</sup> *l. c.*, p. 31 ff. with two illustrations. Further references in Thieme-Becker, *l. c.*

life that led him to Turkey, Spain, France, and Austria. In Vienna his activities as court painter actually earned him the title of Count. From time to time he visited Venice, where he settled permanently in 1659. Here, engaged in the painting of altar pictures and church frescoes, he occupied a palace on the Canale Grande. His art is turned toward the past rather than toward the future. It is an echo of Titian, Veronese, and Tintoretto. Also the art of Correggio is reflected in the style of his madonnas and saints.

In the Italian crafts, a baptized Jew came to high honor, the armorer Ercole de' Fideli (ab. 1465–1518).<sup>107</sup> His Jewish name was Salomone da Sesso, but in 1487 he became converted and entered the service of the Duke of Ferrara. His swords were widely esteemed, and justly so; like many weapons of those times, they were not mere instruments for killing, but carefully executed works of art signed by the artist. The works of Ercole de' Fideli bear pagan — never biblical — pictures filled with nude figures, engraved or etched, whose forms are wholly in the style of the Cinquecento. The Zeughaus in Berlin, the South Kensington Museum in London, and the Musée des Invalides in Paris possess examples of his skill. Count Gaëtani in Rome possesses the sword — the so-called “Reine des épées” — ordered from de' Fideli by Cesare Borgia. What a contrast! The former member of a faith that at one time wanted to turn swords into ploughshares, and the representative of the unscrupulous Renaissance way of life that countenanced even the destruction of one's own family.

Let us take a look at the Jews of Italy who remained true to their religion. Documents from the early sixteenth century mention the Jewish painters Angelo d'Elia and Jacobbe di Vitale in Perugia.<sup>108</sup> Strangely enough they are listed as members of the guild of painters; at least a yearly payment to them is cited. Works of theirs are unknown.

An interesting character is revealed to us in the person of the painter Josua Ostiglia who like Ruschi and Liberi, is mentioned

<sup>107</sup> Wolf, *MJV*, IX, p. 17. One of his swords is illustrated in Franz Landsberger, *l. c.*, ill. 51 and 52.

<sup>108</sup> Thieme-Becker, *l. c.*

in no Jewish encyclopedia, although his name was brought to light in 1907.<sup>109</sup> Ostiglia grew up in seventeenth century Florence without any artistic training. At the age of 36 he was watching a painter copy a picture by the celebrated Salvator Rosa. A spark flamed up in him. He procured a picture by Rosa and made a copy of it. Slowly he grew into the style of the revered painter, and so completely that his own paintings could no longer be distinguished from those of his model. According to a contemporaneous biographical report, these pictures enjoyed a good sale among the Florentine nobility, indeed even among other artists. None of them can be identified today, although some may have survived under Rosa's name. Less interesting than his actual artistic achievement is the fact that he was the first Jew at that time who broadened the field of his art to embrace landscape work, just as others had taken up portraiture. Thus some of the Jews profited from the Renaissance tendencies to exceed the bounds of religious art and conquer the world in its entirety.

Still, most Jewish artists remained in the paths of their ancestors and confined themselves to satisfying the pious needs of their coreligionists, a portrait being the most that they would venture. Only a very few names have come down to us. In Venice we find Moise di Castelazzo (d. 1525), son of Rabbi Abraham Sachs,<sup>110</sup> a German immigrant. Moise painted portraits, and drew illustrations for the Pentateuch — unfortunately lost — which his sons published in the form of woodcuts. Here woodcuts appear separately from the printed or written book, but we may assume that Moise di Castellazzo was probably also one of those by whom Hebrew books themselves were ornamented.

Somewhat later, in 1585, we find a Jew, David from Lodi, who made the engraved map for Antonio Campi's book, *Cremona fidelissima città*. Albert Wolf called David "the earliest Jewish copper engraver known to us."<sup>111</sup>

<sup>109</sup> Umberto Cassuto, *l. c.*, p. 5 ff.

<sup>110</sup> I. Sonne, "Nouveaux éclaircissements sur la personnalité de Moise de Castelazzo," *REJ*, 94-96 (1933), p. 196 ff. He also cites the earlier references.

<sup>111</sup> *MJV*, IX, p. 55. His inexact references are corrected in the *Encyclopedia Judaica*, under Cremona, V, p. 694.

An engraver of the same period, probably also Jewish, was discovered during my search through the collection of photographs in the Jewish Museum of Berlin. His signature on a special leaf that had been added to a scroll of Esther, decorated with engravings, gave the name Andrea Marelli. Two lines devoted to Marelli in the *Allgemeines Künstler-Lexikon* of Thieme-Becker gave the information that he worked in Rome from 1567 to 1572 and was at other times active as an art dealer in Siena. Besides the fact that the creation of an engraved Megillah would seem to indicate that the artist was a Jew,<sup>112</sup> we may add that there is knowledge of a Jewish engraver Isaac Joseph Mareli, born in Venice and later — beginning about 1759<sup>113</sup> — working in Paris. Evidently Marelli is the name of a Jewish family.

I may add finally a woman who was a painter, Esther Engelhard, said to have come to Italy from Rotterdam to study with Michelangelo. Her paintings, it is reported resembled those of her teacher so closely that they were later attributed to the great Florentine master. When her teacher died, in 1564, she went to Venice, then returned to Holland where she remained until her death in 1586. Esther Engelhard is completely unknown in the history of art. The only reference to her name is in the book of N. P. Yung<sup>114</sup> from which Albert Wolf has taken his facts. Since Yung's reports, however, as we have previously shown, are unreliable, no great importance should be attached to this reference.

Craft-work of artistic merit may also be found in Italy of the modern era. Seder plates of majolica, decked with brilliantly colored flowers and scenes, have survived, some of them signed on the reverse by the artists: Jacob Azulai, Padua, 1532; Isaak Azulai, Faenza, 1575; Mose Fano, Urbino, 1556; Jacob Azulai, Pesaro, 1730.<sup>115</sup> In literature we find mention also of Lazzaro Levi

<sup>112</sup> P. I. Franck, however — a non-Jew — published an engraved scroll of Esther at Prague about 1700.

<sup>113</sup> Wolf, *MJV*, IX, 30.

<sup>114</sup> *Alphabetische Liste aller gelehrten Juden*.

<sup>115</sup> In the Jewish Museum at Vienna. Cf. the *Erster Jahresbericht der Gesellschaft für Sammlung und Konservierung von Kunst- und historischen*



who, in 1626, received permission to produce majolica ware in Mantua, but was forced to give up his workshop in 1630 when the city was captured by the Austrians.<sup>116</sup>

We may assume that the magnificent wedding rings used by the Jews in Venice since the sixteenth century were likewise fashioned by Jewish jewelers. These may usually be distinguished from the Christian rings by a top-piece in the form of a little house, and by the Hebrew blessings engraved on them.

The ritual implements used in the synagogues, above all the Torah crowns and Rimmonim and the silver amulets so popular in Italy and bearing Hebrew inscriptions, must have been made by Jews. Albert Wolf (MJV XXIV, 108) identified an artist named Abraham ben Moise Zoref, working in Venice in the year 1712. Many beautiful pieces appeared in Venice at this time.

The embroidering of Torah hangings was likewise a Jewish occupation. The Torah curtain of the Levantine synagogue in Ancona bears the inscription: "If, in after times, it be inquired, 'whose handwork is this?'—say that it is of her of the house of Montefiore, Rachel, the wife of Jehuda, in the year (that it hath thus been worked) 5390 [1630]."<sup>117</sup> In 1637 the wife of Levi-Hai in Buttrio places her name on a green silk Torah binder, with floral embroidery, now in the Jewish Theological Seminary in New York. A second binding, of yellow silk, in the same collection, gives the name Magdalena Bassan and the date 1736.<sup>118</sup>

It would seem that the synagogues themselves were not built by Jews. At least nothing is known of Jewish architects. On the other hand, a famous Italian architect, Baldassare Longhena, is supposed to have been the designer of the Scuola Spagnuola in Venice.

We may sum up the activities of Jewish artists in Italy in the following words: although their participation in the artistic life of

*Denkmälern*, Vienna, 1897, p. 49. — A number of similar unsigned plates are in various Jewish collections.

<sup>116</sup> Thieme-Becker, *l. c.*

<sup>117</sup> After Lucien Wolf, "Anglo-Jewish Coats of Arms," *Transactions, Jewish Historical Society of England*, II (1894/95), p. 162 f.

<sup>118</sup> Both pictured in C. Adler and J. M. Casanowicz: *The Collection of Jewish Ceremonial Objects in the United States National Museum*, Washington, 1908.

Italy was only small, and of no great importance except in the case of a Francesco Ruschi or an Ercole de' Fideli, that participation is still worthy of note as a sign of their own desire to approach more closely the art of the country in which they were living. In this way the Jews of Renaissance Italy foreshadowed the time of emancipation. As soon as oppressive laws were lifted from their heads, artists and craftsmen appeared among them.

In Spain, Portugal, and Sicily the expulsion of the Jews at the end of the fifteenth century cut off the flowering of culture which had existed during the Middle Ages. Yet, as often before and since, these forced wanderings scattered seeds into other lands. We hear of Spanish Jews who brought the art of lacemaking to Saloniki,<sup>119</sup> who as armorers, were of great service to the Turkish army, and who went to Turkey as printers — the first printers in that country. The family Azulai, whose activities as workers in majolica, in upper Italy, we discussed previously, had likewise come from Spain, probably by way of Morocco.

The Jews who remained, after conversion, in Spain and Portugal — except where they or their children had become Christians from sincere conviction — felt constantly imperilled by the Inquisition, and used, even later, every opportunity to emigrate elsewhere and lead a free life, in open exercise of their real faith. Thus they entered Protestant Holland about 1600, and brought about in that country a continuation of the earlier rich creative period of Sephardic Judaism on the Iberian peninsula. Their old home had accustomed them to an artistic life which they created anew in their new refuge. Even more, the cultural atmosphere of the Netherlands at that time encouraged them to pursue their artistic activities.

We may cite as an example Jacob Juda Arie Leon (1603–1675 or later), who came from Spain to Holland by way of Hamburg and was occupied as rabbi in Middelburg and later as teacher in the Talmud School 'Ez Hayyim in Amsterdam. Jacob was more of a scholar than an artist, although he had sufficient talent to make a set of illustrations for the Bible and the Talmud, none of which have survived.

<sup>119</sup> I.-S. Emanuel, *Historie de l'Industrie des Tissus des Israélites de Salonique*, Paris, 1935.

Jacob Juda Arie Leon united both of these interests — scholarship and art — in his studies of the Temple of Solomon, which he reconstructed according to the biblical description. The large models which he built aroused such interest that they were acquired for the collection of the English king. His book on the same subject appeared in Spanish in 1642, in French in 1643, in Hebrew in 1650, and in German and in Latin in 1665. We see what widespread attention was aroused by his researches. Books about the Ark of the Covenant and the Tabernacle followed this work. His greatest achievement, however — to which he owed his nickname Templo — was the description of Solomon's temple.

At the same time his artistic abilities must have enabled him to plan the illustrations for his own books, and there is no reason to attribute these to another artist, like Salomo d'Italia, as Kirschstein has attempted.<sup>120</sup> A picture in his *Retrato del Tabernaculo de Moseh* gives, in the lower left-hand corner, the Latin monogram A. P. We may deduce that he employed an engraver, who probably used the author's designs.

In many cases the Jews, however, were the subjects of art rather than artists. As in Italy, portraits were specially popular with the Jews who had the good fortune to find in Amsterdam a portrait painter — no less than Rembrandt — who was not only a friend of the Jews, as he showed by building his home in the Jewish quarter, but was also eminently suited for portraying Jewish types. Rembrandt observed and reproduced their high spirituality, their melancholy — kept alive by a tragic destiny — and also their joy in bright jewelry, heritage of an oriental origin. Thus he became the outstanding painter of the Jews in Holland, while the Jews showed their faith in him by giving him commissions even after his popularity among non-Jews had begun to fall off more and more.

Besides Rembrandt, we find a few other painters — Jan Lievens, Aart de Gelder, Adrian van der Werff — making portraits of the Jews, the Jews themselves taking only a small part in this activity. Joseph ben Abraham painted a likeness of Rabbi

<sup>120</sup> In *Juedische Graphiker 1625-1825*, Berlin, 1918, p. 11.

Isaac Aboab (1605–1693). We know of this likeness from its reproduction in an engraving by Abraham ben Jacob.<sup>121</sup> Albert Wolf mentions also Moses Belmonte (1619–1647), son of Jacob Belmonte, who in his youth made an etching of his mother.<sup>122</sup> This was, however, in all likelihood only a hobby of the noted poet and translator, who died before his thirtieth year.

About the same time Salomo d'Italia — we shall return to this artist — engraved the portraits of J. J. A. Leon Templo and of Manasseh ben Israel. These were used for books which, like the non-Jewish books, were to be adorned with the portraits of their authors.

About the middle of the eighteenth century we find Samuel da Silva in London, probably on a trip from the Netherlands; a physician of the same name lived in Amsterdam at the beginning of the seventeenth century. Only one of da Silva's works is known, reproduced in mezzotint by J. Faber in 1752 — the portrait of the chief rabbi of London, Moses Gomes Mesquita (1688–1751).<sup>123</sup> As was often customary with portraits of rabbis, the engraving was made after his death, for his friends. Since, however, it shows the subject as a middle-aged man, the original may have been made some years previously. The conception of the rabbi with his three-cornered hat, his large nose and black eyes, is quite lifelike, and shows that the artist was above the usual level of his contemporaries.

A Jewish portrait medalist may also be found in the Netherlands of the early eighteenth century. We know of only one of his works, the medal of Rabbi Eleazar ben Samuel Schmelka of Brody (Galicia), made in 1735, when Eleazar was chosen rabbi of the Ashkenazic congregation in Amsterdam. The artistic value of the medal is small: the face, almost in front view, does not suit its medium; a medal requires profile portraits. The

<sup>121</sup> Wolf, *MJV* IX, p. 58.

<sup>122</sup> Preserved in the manuscript of the book by David Franco Mendes, *Memorias do estabelecimento e progresso dos judeos Portuguezos e Espanhoes nesta famosa cidade de Amsterdam*, in the possession of the Portuguese congregation of Amsterdam. Cf. also R. J. H. Gottheil, *The Belmont-Belmonte Family*, New York, 1917, unfortunately without illustration.

<sup>123</sup> Illustration in Alfred Rubens, *Anglo-Jewish Portraits*, London, 1935, facing p. 82.

reverse shows, at the end of a long inscription, the initials יבכלל. These were formerly read as Isaac Beer of the house of Levi,<sup>124</sup> but Albert Wolf later corrected the name, on the basis of information from the Netherlands, to Joel ben Lipman Levi.<sup>125</sup>

This medal shows that the use of portraits was also adopted by the Ashkenazic Jews in the eighteenth century, but not without opposition. Shortly before, Rabbi Zebi Ashkenazi was secretly sketched for a portrait when he came to London in 1714. He would never have given the permission voluntarily.<sup>126</sup> But in the Netherlands, where Sephardic Jews had contact with their Ashkenazic brethren, they may have transmitted the freer conception of the biblical prohibition relating to images. In the late eighteenth century we already have in the Hague an Ashkenazic artist named Abraham Isaac Polack, a Polish immigrant, who made portrait engravings. Only that of Saul ha-Levi, Chief Rabbi of the Hague, a mediocre work, has survived.<sup>127</sup>

Salomo d'Italia, previously mentioned, lived in the Netherlands during this period and devoted himself at times to portraits, at times to religious themes. We must discuss him more fully, because the literature concerning his work is based upon uncertain sources. He was the son of a Mantua printer, named Mordecai (not Eliezer). We do not know when he was born or when he left his native land. Probably he was impelled to emigrate by the riots in Mantua in the twenties of the seventeenth century — at the latest, by the expulsion of 1630.

The date of his death is also unknown. It is usually placed "after 1694," because he was supposed to have completed a hand-painted scroll of Esther in that year. But the date of this

<sup>124</sup> As in Albert Wolf, "Eine Medaille auf R. Elieser b. Samuel Schmelka," in the *Monatsschrift für Geschichte und Wissenschaft des Judentums*, n. s. VI, 1898, p. 328. A picture of the medal appears in Moritz Stern, *Aus dem Berliner Jüdischen Museum*, Berlin, 1937.

<sup>125</sup> Wolf, *MJV*, XV, p. 23.

<sup>126</sup> Cf. Alfred Rubens, *l. c.*, p. XIV. The picture was opposed by his son R. Jakob Emden, who also condemned the Eleazar b. Schmelka medal. The picture is in the Jewish Museum at London, a copy in Cincinnati, H.U.C.

<sup>127</sup> Wolf, *MJV*, IX, 59. Illustration in *Geschiedenis der Joden in Nederland*, edited by H. I. Brugmans and A. Frank, I, Amsterdam, 1940, p. 432.

scroll must be read 1660, not 1694.<sup>128</sup> We have no notice of him later than 1660.

Apparently he became known in Holland through an engraved Megillah, dated 1637. This is the first known year of his work. This scroll has become very rare; I know only of the copy in the Jewish Museum of London (formerly in the Howitt Collection), and of that in the possession of Mr. Hans Lamm in Kansas City, who very graciously lent it to me for examination (illust. 5). Mrs. Wischnitzer, studying the London specimen from a photograph, thought it a wash drawing, the work of an artist in Italy<sup>129</sup> whose design Salomo d'Italia copied. She is mistaken in both particulars. The scroll is an engraving that came into existence in Holland — the numerous tulip plants are sufficient evidence. That it is the work of Salomo himself is shown by its close relationship to a later signed work by the same artist. Salomo evidently engraved two Megilloth. The first, that just mentioned as dating from 1637 (illust. 7), is the larger of the two, being 28 cm. high and an example of baroque splendor. The text is framed by great portals whose gables, crowned by genii, are separated by vases filled with tulips. Between the columns of text, figures from the story of Esther stand like statues on pedestals — in our illustration Mordecai and Esther, but other figures as well, some in Dutch genre types. On the lower margin scenes from the Esther-story, landscapes, and city views appear.

Salomo d'Italia also created a second, smaller scroll, 13 cm. high, probably only after the previous edition of the Megillah was exhausted. Of this second scroll, many copies are still to be found. The change in format made some alterations necessary. Thus the bottom of the column of text now reaches to the edge while, in the first edition, there was room for small pictures underneath it.

Of his portraits I may again mention those of J. J. A. Leon Templo and of Manasseh ben Israel. The latter has also been portrayed — and magnificently portrayed — by Rembrandt. Salomo's portraits are uninteresting pieces that do not give as

<sup>128</sup> Cf. Rahel Wischnitzer, "Der Estherstoff in der Jüdischen Illustration," *MGWJ*, n. s. 38 (1930), p. 387.

<sup>129</sup> *l. c.*, p. 387.



favorable a representation of his work as do the vivacious scrolls of Esther.

After the end of Salomo's career, another engraver appears in the Netherlands, this time an immigrant from the Rhineland. He had been a clergyman in Germany, but was converted to Judaism<sup>130</sup> and assumed the name Abraham ben Jacob. His earlier name is unknown. The dates of his life have been lost, but there is evidence of his activity from 1693 to 1714. In 1693 he engraved the previously mentioned portrait of Rabbi Isaac Aboab. A Haggadah decorated with his engravings was published in 1695, the so-called Amsterdam Haggadah. Mrs. Wischnitzer has been able to prove that the illustrations are based on engravings by Merian, which in turn derive their content from works of Holbein the younger.<sup>131</sup> This Amsterdam Haggadah is thus no original piece of art, but still one which, by the warmth and pleasantness of its narrative style, found such favor that it was published in several different editions. We have already learned how the painters of miniatures later copied this work.

Abraham ben Jacob's later creations included the title-page for Isaia Horwitz's book *Shene Luḥḥot Haberit* in 1698, a charming engraving for an amulet in 1700,<sup>132</sup> and the *Calendarium Christiano-Judaicum Perpetuum* in 1714.<sup>133</sup> Thereafter, all traces of him are lost.

The creative work of Jacobe da Carpi (1685–1748), a Veronese immigrant, extended well into the eighteenth century. None of his work has as yet been found. He is said to have painted portraits and historical scenes in Amsterdam. He was also an art dealer, for some of the wealthy Jews of Amsterdam collected works of art.<sup>133a</sup>

With these artists may be grouped a number of illustrators, or more precisely, designers of title pages, who served the lively

<sup>130</sup> I. Chr. Wolf, in *Bibliotheca Hebraica*, III, Hamburg, 1727, p. 39.

<sup>131</sup> R. Wischnitzer, "Von der Holbein-Bibel zur Amsterdamer Haggadah," *MGWJ*, n. s. 39 (1931), p. 269 ff.

<sup>132</sup> Illustration in Jacob Zwarts, *Hoofdstukken uit de Geschiedenis der Joden in Nederland*, Zutphen, 1929, facing p. 140.

<sup>133</sup> After I. Chr. Wolf, *l. c.*, IV, 1733, p. 736.

<sup>133a</sup> Cf. A. v. Wurzbach, *Niederländisches Künstlerlexikon*, I, 1906.

Jewish publishing trade in the Netherlands: Benjamin Señor Godines, Jospe b. Meir Schmalkalden, Ahron Santcroos.<sup>134</sup> The great edition of the Talmud that appeared from 1752 until 1765 had finely engraved title-pages by Santcroos. Likewise well executed are his title-pages for the Pentateuch issued in 1768. He was still active in 1772.

Occasionally Christians also were employed in this field. A few illustrations were contributed by Rembrandt himself — the only ones Rembrandt ever produced. These were for the book of his friend Manasseh ben Israel, *Piedra gloriosa o De la Estatua de Nebuchadnesar*.

In the Netherlands as in other countries, the handwritten and hand-decorated book held its own in spite of the invention of printing. For instance, a work of Rabbi Saul Levi Morteira (1596–1660), *Providencia de Dios con Ysrael . . .*, exists only in several manuscripts, but the different title pages show variations. They bring to our attention the scribes Jehuda Maccabeu (1664), Abraham Fidanque (1710), and Michael Lopez (1719).<sup>135</sup> Finally we see in an engraving by Petrus Schenk the likeness of the Jewish calligrapher, Jacobus Gadella, whose art enjoyed equal repute among Jews and non-Jews, for the inscription under his portrait reads: *Scriptiois artificio summo apud Amsteladamenses admirandus*.<sup>136</sup>

As we can say in conclusion, the group that came together from various countries to the Netherlands during the seventeenth and eighteenth centuries was large in number. But none of these artists ranks far above the average in his achievements.<sup>137</sup> We

<sup>134</sup> Wolf, *MJV*, IX, p. 57; XV, p. 50; IX, p. 58.

<sup>135</sup> The title-pages by Maccabeu and by Lopez are given in Jacob Samuel da Silva Rosa, *Geschiedenis der Portugeesche Jooden te Amsterdam 1593-1925*, Amsterdam, 1925, p. 20 and 21; that by Fidanque in Brugmans-Frank, *l. c.*, I, facing p. 512.

<sup>136</sup> Wolf, *MJV*, IX, p. 55. Illustration in Brugmans-Frank, *l. c.*, facing p. 512.

<sup>137</sup> Cecil Roth suggests that a few more artists of the Netherlands from the fifteenth to the seventeenth century,—among them the Ruysdaels—were Jews because of their biblical names, but makes himself the comment that such names are common in the Netherlands among non-Jews as well. *The Jewish Contribution to Civilization*, American ed., p. 148, note 1.

find, furthermore, that — except for the crafts, about which we have no information — only painting and the graphic arts and in one instance the art of medalling are represented. Those synagogues in Holland whose architects we know were built by non-Jews. Even the fine tombstones that have been found in the graveyard of the Ouderkerk near Amsterdam do not look as if Jews had cut them.<sup>138</sup> The sculpture on these stones is so elegant, at times the perspective so well carried out, that the work could have come only from the circles of the better trained and the more refined native artists of the Netherlands. We may add that a tombstone of Samuel Teixeira (d. 1717) shows a scene of the divine summons to Samuel, in which God himself appears in human guise to the youth. Difficult it is to imagine that a Jew did not refuse to accept such a piece of sculpture, and still more difficult to believe that a Jewish artist would have undertaken such a work.

England, having expelled the Jews in 1290, gave them new immigration privileges in 1656. The first to come were from the Netherlands, but later there were Jews from the Ashkenazic countries as well. Before 1656 already we find, if we trust our sources, two artists who are Jews or at least of Jewish descent, Alexander Cooper (1605 ?–1660) and his brother, Samuel Cooper (1609–1672). Both are of the group of eminent English portrait miniaturists of the seventeenth century. Samuel indeed was, according to the opinion of George C. Williamson, the ablest expert in this field — “the man who was undoubtedly the greatest miniature painter whom England or any other country has produced.” One can hardly imagine a prettier picture than that of the well-fed slightly blasé young aristocrat (illustr. 6) here chosen as an example of Samuel’s delicate skill. It was this same Williamson who, in his *History of Portrait Miniatures* (London, 1904), reported the discovery that Alexander Cooper was a Jew. Alexander had lived at the Swedish court since 1647, and when Williamson followed his trail in Stockholm, he found that “his full name was Alexander Abraham and it is clear that he was of

<sup>138</sup> Cf. D. Heriques de Castro, *Auswahl von Grabsteinen auf dem niederländisch-portugiesisch-israelitischen Begräbnisplatze zu Ouderkerk, Leyden*, 1883, with magnificent pictures but without any reference as to the artists.

Jewish blood, as in one list of persons living in Stockholm he is recorded in 1647 as Abraham Alexander Cooper the Jew, Portrait Painter."

Unfortunately Williamson does not indicate where this "list of persons" is to be found, but the thoroughness of his other researches would lead to the assumption that he himself had seen it. Ernst Lemberger, likewise an authority on the history of miniature painting, adds to this reference in his great book, *Die Bildnisminiatur in Skandinavien* (1912, p. 19), that Alexander Cooper "is almost always named as the Jew Cuper in the accounts of payments." He, too, fails to give the place where these accounts may be found, but deserves our confidence.

We learn in the life story of the brothers Cooper that they were trained by their uncle John Hoskins. This name certainly does not sound Jewish, and we know from the will of this Hoskins<sup>139</sup> that he belonged to the Parish of St. Paul's, Covent Garden, hence must have been a Christian. Samuel Cooper, the more famous brother of Alexander, was also a Christian, married a Christian wife and lies buried in the cemetery of old St. Pancras Church. We do not know of the name Cooper or Cuper as a Jewish name in any other connection. The name Alexander, however, is not infrequent among Jews — is, indeed, one of the few non-biblical names which Jews assumed, of course, in memory of Alexander the Great, protector of the Jews and founder of Alexandria.

The presence of a Jew in England before 1656 is possible. Although residence in that country was officially prohibited, there were always a few Jews who lived there, either secretly or with tacit permission to stay. Perhaps too, Abraham Alexander was baptized and had only remained in the records as Jewish.

To the British artists of Jewish descent we may add a second, likewise brought to light by Williamson<sup>140</sup> assisted in this bio-

<sup>139</sup> Published by J. J. Foster, *Samuel Cooper and the English Miniature Painters of the XVIIth Century*, London, 1914. About the brothers Cooper cf. more recently Lutz Weltmann, "Weltgeschichte im Spiegel Jüdischer Bildnisminiatur," *Jahrbuch für jüdische Geschichte und Literatur*, 1938, p. 167 ff.

<sup>140</sup> G. C. Williamson and Lady Victoria Manners, *John Zoffany*, London, 1920.

graphical work by Lady Manners. The noted English painter of the eighteenth century, John Zoffany, was probably also of Jewish ancestry. It is true that no corroborative documents are available, but traditions maintained by living descendants of the artist seem to be sufficient proof, since a single look at some of his likenesses, particularly the self-portrait of 1762,<sup>141</sup> shows unmistakable Jewish traits. The group portrait here reproduced (illust. 9) shows the artist leaning against the pedestal of a statue. The face of the artist in this portrait is evidently that of a Jew.

The father of the artist, named Zaufely — the son changed the name — worked in Prague as cabinet maker and decorator. To widen the range of his skills he moved to Germany, studied architecture, and eventually became court architect to the Prince of Thurn and Taxis in Regensburg. I suppose that he had already become a Christian; his high position at a Catholic court would indicate this.

It was assumed that Regensburg was the native city of John Zoffany until documents were found giving Frankfort on the Main as his birthplace. Also one of his engravings, after a self-portrait in the Uffizi Gallery in Florence, has the inscription under the artist's name, "Nato in Frankfort."<sup>142</sup> After the publication of the book by Manners and Williamson, however, a conversation between Zoffany and Joseph II of Austria was found reported in Farington's diary, in which the artist gives Regensburg as his native place.<sup>143</sup> We shall give preference to the documents and assume that he came from Frankfort to Regensburg at an early age.

There are also doubts about the date of his birth. Manners and Williamson cite the years 1733 (p. XXI) and 1735 (p. 3), but an erratum later inserted mentions both of these dates as mistakes of the printer and sets 1725 as the definite date. "Zoffany's age on his tombstone," the correction says further, "is put at 87 but it is believed that he was only 85 when he died"

<sup>141</sup> *I. c.*, p. 4, illustration.

<sup>142</sup> *I. c.*, illustration facing p. 127.

<sup>143</sup> Cf. C. H. S. John, *Bartolozzi, Zoffany, und Kauffmann*, New York, 1924, p. 15.

(in 1810). I see no reason to mistrust the tombstone and believe that 1722-23 must have been the year of his birth.

A number of facts indicate that he was no longer a Jew. His name was John; both of his wives were Christian; he spent some time at Rome in the convent of the Buon' Fratelli; he painted pictures of the saints, though not many; finally, he is interred in a Christian cemetery in London. But it sounds like a recollection of his Jewish descent when we hear that he came to London a pauper, and "lodged in the attic tenement of Mr. Lions, a kind Hebrew, who resided in Shire Lane near Temple Bar." Anthony Pasquin, giving this information in his *Authentic History of the Royal Academicians* in 1796, that is to say, during the lifetime of the artist, adds: "His fortunes were then so low that his cates [food supplies] were more scarce than rare. The harp of his fathers was hung on a willow in the desert."<sup>144</sup> I consider this "harp of his fathers, that hung on a willow in the desert" (Psalm 137) to be a plain reference to the man's Jewish origins, removing all doubts as to his family background.

Zoffany's life was quite adventurous. As a lad he ran away from his father and fled via Vienna to Italy. Elkan N. Adler gives, as reason for his flight, the Edict of Expulsion issued by Maria Theresia in 1745 against the Jews of Bohemia and Moravia.<sup>145</sup> But there is really no connection between the two events. Zoffany was no longer subject to the edict when it became law; he had already been in Italy for some time. Strangely enough, in 1776, the Empress out of gratitude for some paintings which she ordered conferred upon him the title of baron.

Zoffany remained in Italy until his father's death, then spent some years in Coblenz (Germany), and finally (ab. 1761) tried his luck in England where, after an adverse initial period, he attained success. In 1771, he planned — though he never carried out the plan — to accompany, in the capacity of designer, an overseas expedition led by the famous Captain James Cook. The above-mentioned group portrait fixes the moment in which Cook sets forth his far reaching ideas to our artist and to the noted natu-

<sup>144</sup> Williamson and Manners, *l. c.*, p. 5.

<sup>145</sup> Elkan Nathan Adler, *London*. In Jewish Communities Series, Philadelphia, 1930, p. 123.



ralist, Sir Joseph Banks. From 1773 until 1779 he was once more in Italy; from 1783 until 1789 he actually visited India. Only then his restless blood was quieted, and he spent the final years of his life in England.

His group portraits which are among his greatest achievements reproduce eighteenth century England with a charming amiability combined with a fresh realism, somewhat derived from Hogarth. His portraits of actors — he was a friend of Garrick — are invaluable documents of this favorite art of the century. In contrast to the tendency of several of the English portrait painters toward a conventional sugary style, Zoffany remains close to veracity, and for that reason is again rising in esteem after being almost forgotten for many years.

The pictures of the brothers Cooper and of Zoffany were in general not made for Jews.<sup>146</sup> We must now look for artists who served the Jewish community. The builders of synagogues, as in the Netherlands, are patently not Jews. In the interior decoration, however, which is somewhat influenced by Puritan simplicity, they took a modest part. Aaron de Chaves did some painting for the Portuguese synagogue in 1664. The name Aaron Chaves is also named in Amsterdam in 1700;<sup>147</sup> apparently he had come from the Netherlands.

In this Portuguese synagogue there is also a plaque with the initial words of the Ten Commandments, flanked by Moses and Aaron, which was made by Abraham d'Avila.<sup>148</sup> A similar plaque in the second Portuguese synagogue of 1701 gives us another painter named Cordoneiro.<sup>149</sup>

A Jewish silversmith, Abraham Lopez de Oliveira, who made a number of Torah finials for the Sephardic synagogues, has been brought to light by Cecil Roth.<sup>150</sup> The London Jewish Museum possesses a few of these splendid pieces dating from 1732

<sup>146</sup> Zoffany's portrait of the Jewish cellist Jacob Cervetti after the mezzotint by Picot in Rubens, *l. c.*, facing p. 22.

<sup>147</sup> M. Kayserling, *Bibliotheca Española-Portuguesa Judaica*, Strassburg, 1890, p. 38.

<sup>148</sup> Moses Gaster, *History of the Ancient Synagogue of the Spanish and Portuguese Jews*, London, 1901, p. 35, with illustrations.

<sup>149</sup> Gaster, *l. c.*, p. 84.

<sup>150</sup> In the periodical *The Connoisseur*, 1933, p. 151 ff.

to 1737. Oliveira was already previously known as an illustrator. He furnished the engravings for Daniel Israel Lopez's book, *Espejo fiel de vidas que contiene los Psalmos de David en verso* which appeared in London in 1720.<sup>151</sup>

Other English-Jewish illustrators are Aaron Mendoza active in 1733 and Salomon Polack (1757–1839),<sup>152</sup> whose work takes us into the nineteenth century. The latter also painted portraits, full size as well as miniatures.<sup>153</sup>

As in the Netherlands, so also in England, we find numerous Jewish portraits and a few Jewish portraitists. The excellent information that we possess about this field of art is due to Alfred Rubens.<sup>154</sup> Under the impressive mezzotint of the Chief Rabbi, David Nieto (1654–1728), the painter of the original gives his name as David Estevens. Israel Solomons found the name Esteves — but not David — in the burial registers of the Bevis Marks Synagogue,<sup>155</sup> and hence assumed that David Estevens also was a permanent resident of England. In this he was mistaken. As I was able to learn from a Danish encyclopedia of artists,<sup>156</sup> Estevens lived in Denmark, where a branch of this Spanish family would seem to have settled. After he had received his training here from Jacques d'Agar, an artist who had come from Paris, he took up work in Copenhagen. In 1691 and in 1703 Estevens obtained passports to travel into foreign countries. That is all we know of his life. Inasmuch as the portrait of David Nieto shows certain books written by that Rabbi in 1714 and 1715, it follows that the portrait must have been painted at a time subsequent to 1715. We must therefore assume that at this time also, the artist was abroad. The reproduction in mezzotint (illust. 10), done by I. McArdell, did not appear until 1728, the year of Rabbi Nieto's death. It would be worthwhile

<sup>151</sup> Wolf, *MJV*, IX, p. 58.

<sup>152</sup> *l. c.*, IX, 62.

<sup>153</sup> The miniature of Lord George Gordon, in the engraving by C. Wilson, in the *Jewish Encyclopedia* under Gordon; that of Viktor Abraham in Mathias Levy, *The Western Synagogue*, London, 1897, facing p. 22.

<sup>154</sup> Rubens, *Anglo-Jewish Portraits*, London, 1935.

<sup>155</sup> "David Nieto and some of his Contemporaries," *Transactions Jew. Hist. Soc.*, XII (1931), p. 62.

<sup>156</sup> Philipp Weilbach, *Nyt Dansk Kunstnerlexikon*, I, Copenhagen, 1896. Followed by Thieme-Becker, *l. c.*

to seek traces of Estevens in Denmark. According to the only work of his that has been preserved, though only in reproduction, he must have been a portrait painter of genuine talent and with a special gift for vigorous characterization.

A later chief rabbi of the same congregation, Rafael Meldola (1754–1828), was painted by a Jew named Frederik Benjamin Barlin, probably shortly after assuming office in 1805. The dates of this artist's life are unknown. We hear only that he placed pictures on exhibition in the Royal Academy as Honorary Exhibitor in 1802 and 1807.<sup>157</sup> The Meldola portrait, to judge by the engraving,<sup>158</sup> must have been a charming work, in the style of English portraiture with its courtliness — a Van Dyck influence — and yet with an honest simplicity in keeping with its subject.

A second work of Barlin, the portrait of Solomon Hirschel, chief rabbi of the Ashkenazic Congregation of London since 1802, is in the National Portrait Gallery in London. A poor copy of this painting is in the Jewish Museum in the same city.<sup>159</sup> Finally, for the sake of completeness, mention should be made of Rachel (Catherine) Mendes whose aquarell portrait of her father, the famous physician, Moses Mendes, was painted in 1721 and is now owned by the Portuguese community in London.<sup>159a</sup> Her other works have been lost.

The countries discussed thus far in this chapter, above all Holland and England, owed their artistic activity chiefly to Jews of Sephardic origin, but we may now show that the Ashkenazim likewise possessed talented artists. It is true that they held more closely to the second commandment than did their Sephardic brothers. We have seen already what inhibitions they had against portraiture. The use of the human figure itself, except in book illustrations, was to them beyond the law. Hence the use of animal and plant forms in their designs.

<sup>157</sup> After Algernon Graves, *Royal Academy Exhibitors 1766-1398*, London, 1895.

<sup>158</sup> Rubens, *l. c.*, facing p. 72.

<sup>159</sup> Illustration of the portrait in an engraving in Albert M. Hyamson, *History of the Jews in England*, London, 1928, facing p. 238.

<sup>159a</sup> Moses Gaster, *l. c.*, p. 97 with illustration.

But this opposition to pictures by no means expressed enmity to art. The efforts of the Ashkenazic Jews to beautify their houses of worship were, if anything, greater than those of the Sephardic Jews. The sobriety of Protestant churches in the Netherlands and in England which, if only as a result of the employment of Christian architects, exerted an influence on the style of the synagogues there, was unknown to the Ashkenazim. Most of them lived in Catholic lands, with their sumptuously decorated churches. Hence their urge to cover the interior of a synagogue from floor to ceiling with ornamentation, or to deck a Torah shrine, like one of the gorgeous baroque altars, with overflowing wealth. Less in touch with the older and more developed cultures among which the Jews of Italy, Holland and England lived, their art bore more of an aboriginal character. It was more naive and popular in character, and had all the charms of such folk art.

All of these generalizations are particularly true of the Eastern European countries, above all Poland. Here the Jews lived in such sharply segregated settlements that they could regulate their own life with a certain amount of independence — a life that included the scholar, the merchant, even the farmer, but also the craftsman who, given great talent, could rise to the level of the artist.

As the Jews migrated eastward in increasing numbers before the constant persecutions in Germany, they came upon a civilization far less developed than the culture they had left behind. It was therefore the very handiwork which had been suppressed in Germany that could here develop the most freely, for the benefit of their own needs and for the advantage of a surrounding world poor in craftsmen.

In the countries which we discussed previously, the building of synagogues, as far as we were able to ascertain, had fallen into the hands of non-Jews. This had introduced a foreign element into the center of Jewish culture. Here, in Poland, however, the Jews built their own houses of worship, and planned them in complete unity with their decorations and furnishings.

This architectural activity does not to be sure, refer to the stone synagogues, that arose in the larger cities — partly for

mere showiness and partly by necessity, as a possible bastion against the threatening attacks from the East. At any rate we have no report of any Polish Jewish architect engaged in such building.

Indeed, it is only in one other home of Ashkenazic Jewry — in Prague — that we find a Jew building stone synagogues. His name is Judah Goldschmied de Herz. Does this name signify that he was also a goldsmith, or only that he stems from a family of such artisans? His tombstone in the old Prague Jewish cemetery<sup>160</sup> gives the date of his death as 1625. It also reports that the entire Pinkas Synagogue and part of the Meisel Synagogue were erected according to his plans. A new building occupies the site of the old Meiselschul, the original having been destroyed by fire in 1689. The Pinkas synagogue, on the other hand, is still standing. The building, originally medieval, is even now in the form given it in 1600 by Judah Goldschmied. The architect had broken through the southern wall on the inside and added a wing to contain the women's portion, consisting only of two galleries, one above the other, from which the women could take part in the activities of the main hall. Judah Goldschmied also gave a more graceful appearance to the exterior by the addition of a few windows in German Renaissance style.<sup>161</sup>

We know of no other buildings by this architect. Since, however, the period during which he lived, the turn of the seventeenth century, was a period of great cultural as well as business activity for the Jews of Prague, I can well believe that many rich Jews employed his services to improve their houses in the Jewish city by remodelling or by new construction.

Let us leave this digression to return to Poland. Here we find, besides the stone synagogues, a wealth of wooden synagogues dating from the seventeenth and eighteenth centuries, many if not all of which were built by Jews. We have, for instance, the

<sup>160</sup> Cf. Popper, "Aus alten Inschriften des alten Prager Friedhofs," *ZGJ* in *Deutschland*, V (1891), p. 368. Popper found also on a mutilated gravestone the name of a second architect named Herz, who erected the "Hohe Schule," a building from the second half of the sixteenth century.

<sup>161</sup> Illustrations of this synagogue in R. Krautheimer, *Mittelalterl. Synagog.* Berlin, 1927, ill. 92-94. The architect, strangely enough, is mentioned by none of the Jewish encyclopedias.



synagogue of Nasielsk, erected about the end of the seventeenth century, demolished about 1880, but still preserved in a drawing<sup>162</sup> (illust. 17). With its tower-like corners, its mansard roof, it offers a fine example of the picturesque splendor of such Polish baroque structures. To what extent these synagogues were influenced by the wooden churches and by Polish mansions of the period—and they were thus influenced—need not be discussed.<sup>163</sup> Our interest is chiefly in the architects. We have, it is true, no



17. WOODEN SYNAGOGUE IN NASIELSK, FORMERLY POLAND

document giving the name of the architect of Nasielsk, but tradition ascribes the synagogue to Simcha ben Salomo Weiss of Luck, whose father was also an architect, and I find no cause for mistrusting this tradition.<sup>164</sup> We know nothing else about

<sup>162</sup> Cf. Mathias Bersohn, "Einiges über die alten Holzsynagogen in Polen," *MJV*, XIV (1904), p. 13.

<sup>163</sup> Cf. the article about Ruthenian wooden churches by Johann Georg von Sachsen in the *Monatshefte für Kunstwissenschaft*, VIII (1915), p. 343, and the collection by Alois Breier, Max Eisler, and Max Grunwald, *Holzsynagogen in Polen*, 1934.

<sup>164</sup> Bersohn, *l. c.*, p. 12 speaks of a "tradition," the book about *Holzsynagogen in Polen*, p. 24, of a "legend"—all too sceptical.



Simcha ben Salomo Weiss, but could also ascribe to him the synagogue in Wolpa, the style of which shows great similarities to that of the synagogue of Nasielsk. Here again tradition reports a Jewish builder, this time without naming him.

A second Jewish architect appears in eighteenth century Poland, in connection with the synagogue of Lutomiersk. As Bersohn relates,<sup>165</sup> this synagogue was erected during the reign of King Stanislaus August II (1764–1772) by Hillel Benjamin of Lasko near Lodz. The information is given in terms of such certainty that I can again harbor no doubt, although Bersohn does not cite his source.

A second synagogue is generally thought to be the work of the same artist, that of Kurnik in the province of Posen, built in 1767. This opinion dates from an article by S. Goldberg,<sup>166</sup> who writes: "If it is permitted to conclude that the architect of the synagogue of Lutomiersk, which shows the most striking resemblance in every detail to that of Kurnik, is the same as the architect of this latter synagogue, then both were built by the architect Hillel Benjamin of Lasko in Poland." I give illustrations of both synagogues (illusts. 11 and 12), to show how far the "striking resemblance in every detail" extends. They really have only one thing in common: both avoid the complicated structure of the baroque synagogue, such as we found in Nasielsk, in favor of a greater simplicity. The corner turrets and the richly carved galleries have been omitted, and pillars are the only remaining decoration of the facade. Yet this simplification, these classical pillars, are not individual traits, but a sign of the times. In the sixties of the eighteenth century, classical tendencies may be found everywhere, particularly in neighboring Germany.<sup>167</sup>

Outside of this similarity of style, everything is different. In Lutomiersk the pillars reach from the ground to the roof; in Kurnik they only support a low lobby. In Lutomiersk they are Ionic, slender columns that rise in the air; in Kurnik they

<sup>165</sup> *MJV*, VIII (1901), p. 182.

<sup>166</sup> "Die Holzsynagoge zu Kurnik," *MJV*, XXI (1907), p. 67 ff.

<sup>167</sup> Cf. for instance the church at Ludwigslust in Mecklenburg, erected from 1765 to 1770. Illustration in Franz Landsberger, *Die Kunst der Goethezeit*, Leipzig, 1931, ill. 38.

are Tuscan, thick and short. The whole construction of the Lutomiersk synagogue is light and elegant, that of Kurnik heavy and serious. Such divergences could only escape an eye untrained in the history of art.

As we enter these wooden synagogues, our glance is immediately drawn to the Holy Ark, that runs up like a two- or three-story building. A maze of pillars, tendrils, animals, carved candelabra, and other Jewish symbols in open work gives us true masterpieces of carving. In the museum of the Hebrew Union College in Cincinnati two examples of such eastern Torah shrines have been preserved, even more valuable at present because the war in Poland may have destroyed many of these pieces.

These Holy Arks likewise have been carved by Jews. It is unfortunate that, from the period preceding the nineteenth century, only one name has survived, that of Beer ben Israel, who built the magnificent *Aron Hakodesh* in the synagogue of Uzlany.<sup>168</sup> This synagogue was erected at the beginning of the eighteenth century, and the Torah shrine belongs to the same period. More about the date of the artist cannot be found.

The three-storied Torah shrine of the synagogue of Gwodziecz is also certainly the work of a Jew, though nameless, for it bears the Hebrew inscription: "The work of my hand for the glory of God — the workman of the sacred task — 1731."<sup>169</sup> No medieval artist of the times of greatest religious zeal could hide his personality more modestly behind his work than did this Jewish carver. His inscription throws a bright light on the atmosphere in which Jewish artists in Poland lived and worked. All of their effort was expended as a tribute to the greatness of the Lord. Here, the middle ages had not yet closed.

In the middle of the synagogue, in front of the Torah shrine, stood the wooden *Almemor*, the platform for the Torah reading, with its vaulted canopy. This likewise was richly carved and assuredly carved by Jewish hands, often the same hands that created the Holy Arks. Above this *Almemor*, rose a high pavilion-roof or barrel-vault painted with a wealth of ornaments whose working out required a patience and a love of detail equal to

<sup>168</sup> Bersohn, *MJV*, XIV, p. 19 and ill. 13.

<sup>169</sup> *Holzsynagogen in Polen*, l. c., p. 64, note 49.

that shown in the Torah-cabinet carvings. Here also the artists were Jews, but the number of names that have been handed down is somewhat larger. In the synagogue of Chodorow near Lemberg, whose walls and ceiling are thickly covered with inscriptions and designs, the dome bears the inscription: "All this I made, the painter Israel b. Mardokhai, called Mardokhai Lissnitz[ki?] from the town of Jaryczow."<sup>170</sup>

This synagogue came into existence about the middle of the seventeenth century; the adornment of the walls probably took place at the same time. In 1714 a repainting was needed, and its executor likewise gives his name: Moses ben Jair.<sup>171</sup> A little later we hear of Isaac ben Jehuda Leb, also from Jaryczow, who worked on the synagogue of Gwodziech in 1729. He, too, replaced more ancient decorations, perhaps likewise the work of Israel ben Mardokhai.<sup>172</sup>

In Mohilew on the Dnieper, that is in White Russia, another muralist has been found, who decorated the local synagogue. He gives his name on the dome as Chajim ben Isaac Eisik Segal, the Levite from Sluck.<sup>173</sup> This name is often given in popular accounts as Isaac Eisik Segal. But Isaac Eisik Segal is the father, not the son.

One of these synagogue painters emigrated to Franken in Southern Germany, and here decorated a number of synagogues. He came from Brody in Poland and bore the name, Eliezer Sussmann. His activity did not begin in 1707, as was formerly believed — when the date of the synagogue in Horb was read as 1707<sup>174</sup> — but in 1733, with the painting of the interior of the Bechhofen synagogue. In 1735 Eliezer Sussmann worked in the synagogue at Horb (later in the Bamberg Museum auf dem Michaelsberg), in 1738–39 in the synagogue at Hall-Unterlimburg in Swabia (later in the Historical Museum of the town), and in 1739–40 in the synagogue of Kirchheim near Würzburg (later

<sup>170</sup> *l. c.*, p. 12 and plate III–V.

<sup>171</sup> *l. c.*, p. 12.

<sup>172</sup> *l. c.*, p. 13 and plate IX–XI.

<sup>173</sup> Cf. the periodical *Rimon*, 1923, no. 3 with colored illustration of the inscription.

<sup>174</sup> Erich Töplitz, "Die Malerei in den Synagogen (besonders in Franken)," in *Beiträge zur jüdischen Kulturgeschichte*, no. 3, Frankfurt on the Main, 1923.

in the Luitpold Museum in Würzburg). We may see, from the number of these mural paintings that were moved into German museums, what esteem they enjoyed even in non-Jewish circles — of course prior to 1933. In the synagogue of Colmberg, paintings by Eliezer Sussmann have also been found under the coat of whitewash that covered the walls.<sup>175</sup> This artist must have wandered from place to place, like so many Jewish artists, since the small size of the congregations made only temporary occupation possible. The style of his murals is closely related to that of the Polish paintings, and it is of interest to find here that Germany, having once lent so many valuable elements of art to the Jews in Poland, now received in the artistic field, some return.

The ritual implements for these Eastern European synagogues were likewise fashioned by Jews. In the synagogue of Wolpa we find, hanging from the ceiling, one of those great brass lamps that were the pride of many synagogues, not only in Poland. A spindle with well-curved outline terminates in a sphere from which vine-formed branches spread, bearing the holders. This lamp in Wolpa<sup>176</sup> gives, besides the date 1685, the Hebrew initials E. M.; the full name is yet to be found.

Somewhat later we come upon a caster named Baruch, an impoverished workman who gathered scrap brass for years in the little town Pohrebyszcze, in order at length to present an eight-armed standing Chanukah lamp to the synagogue. This candelabrum contains the various objects inspired by his fantasy and allowed by the law: tendrils, lions, birds; a hart, springing along the movable arm of the lamp, the Šammaš; finally a crown, surmounted by a rooster.<sup>177</sup> A second, somewhat differently designed lamp in the same synagogue was likewise his handiwork. The loose style of the tendrils in both examples indicates the early eighteenth century. The second of these lamps is already mentioned in 1735.<sup>178</sup> More about the period in which Baruch worked cannot be said.

<sup>175</sup> Theo Harburger, *Bayerische Israelitische Gemeindezeitung*, 1930, p. 208.

<sup>176</sup> Illustration in Bersohn, *MJV*, XIV, p. 7.

<sup>177</sup> Bersohn, *MJV*, VIII, p. 174 ff. with illustrations.

<sup>178</sup> *l. c.*, p. 177.

Certainly there were also Jewish goldsmiths. Little silver Chanukah lamps, with wire spirals forming the back walls, are among the most graceful products of the Eastern lands during the early eighteenth century, and I assume that they were created by Jews. A goldsmith's name has recently come to light: Eleazar, son of Solomon. His name is on a Torah crown of 1681, which came to the Jewish Museum in Breslau from a synagogue in Posen.<sup>179</sup>

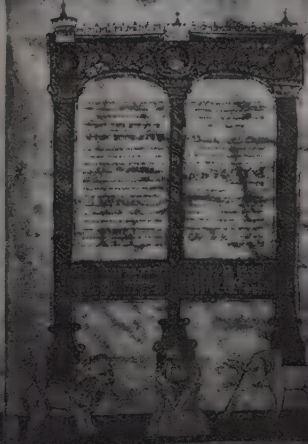
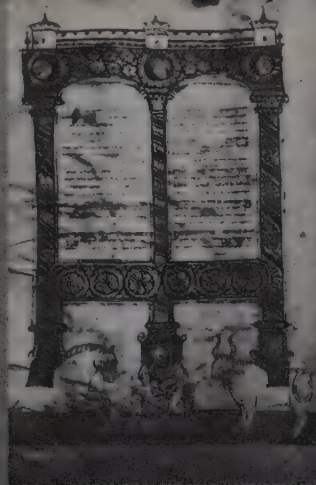
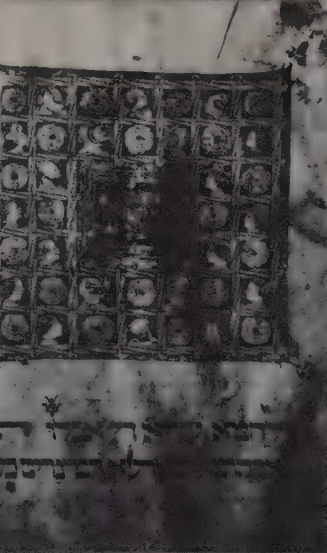
Here in Eastern Europe the richly decorated tombstones of the seventeenth, eighteenth, and early nineteenth centuries can also be ascribed to local masons. Pictures of human beings, such as we found in the Netherlands, are scrupulously avoided, but in compensation we find the ornaments developed to a far greater variety. In his book, *Jüdische Volkskunst* (Vienna and Jerusalem, 1937), Max Diamant has collected the grave markers from Cernauti (Czernowitz) in Roumania, offering the following information about their makers: it was the "families Picker and Steinmetz who handed down this art from father to son. They were by profession either members of the burial society or gravediggers" (p. 22). The example pictured here (illust. 13) from the year 1791, will show the somewhat primitive, but very attractive style of these tombstones. A grape hangs down from the thick vines, an ancient symbol of Israel, and particularly appropriate since the name of the deceased is Israel, son of Zwi.<sup>180</sup> The name Steinmetz is not infrequent among the Ashkenazic Jews, and like Goldschmidt, Steinschneider, Goldsticker, etc., derives from the profession of its original bearers.

Eliezer Sussmann's murals had already brought us into Germany, which country we consider now as our geographical survey comes to a close. Times had calmed here during the seventeenth and eighteenth century, but the restrictions on manual occupation continued. Hence there never was, as in Poland, a broad base of craftsmen from whom artists could rise. We hear of the single

<sup>179</sup> E. Scheyer, "Zur Stilgeschichte jüdischer Kultgeräte," *Breslauer Jüdisches Gemeindeblatt*, X (1933), no. 2.

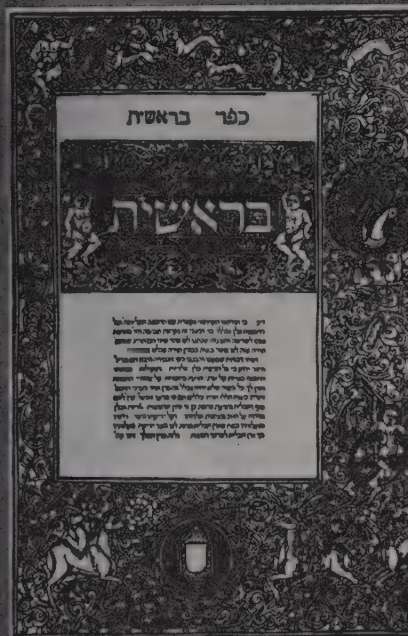
<sup>180</sup> Splendid, and likewise made by Jews, are the tombstones at the cemetery of Tarnopol. Illustration in Vallentine's *Jewish Encyclopedia*, London, 1938, facing p. 641.



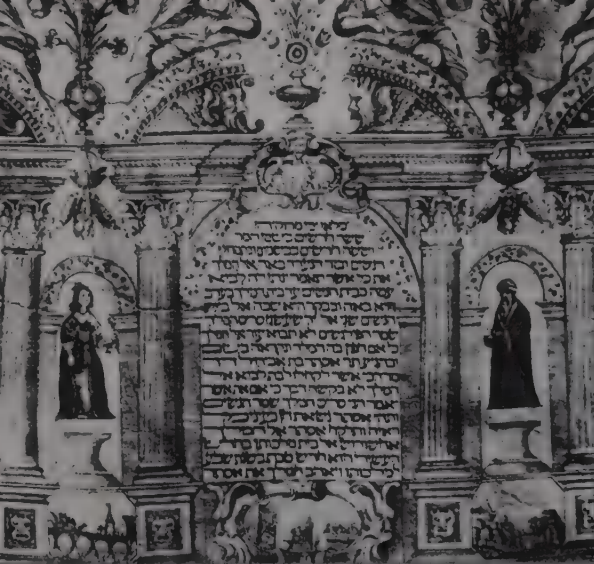


1

3







5



6



7



8

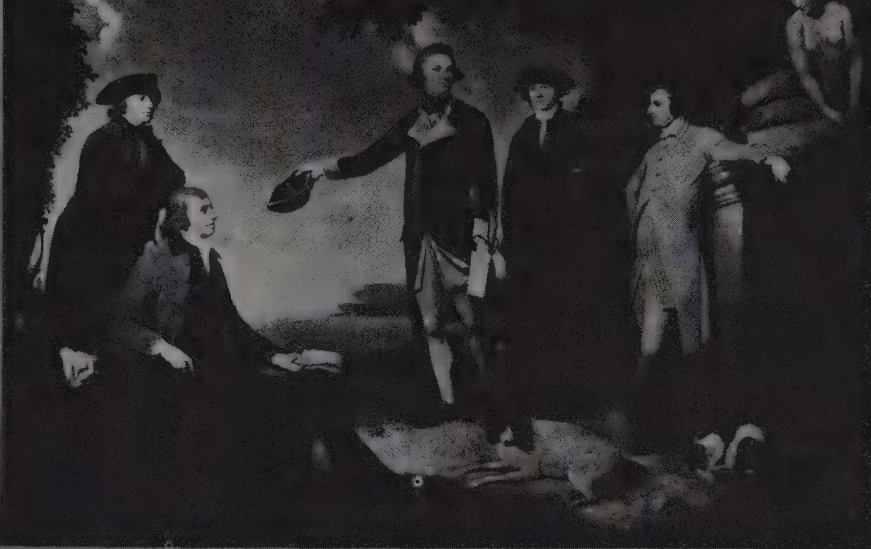
5. PART OF AN ESTHER SCROLL, ENGRAVED BY SOLOMO D'ITALIA.

OWNER: HANS LAMM, M.A., KANSAS CITY, MO.

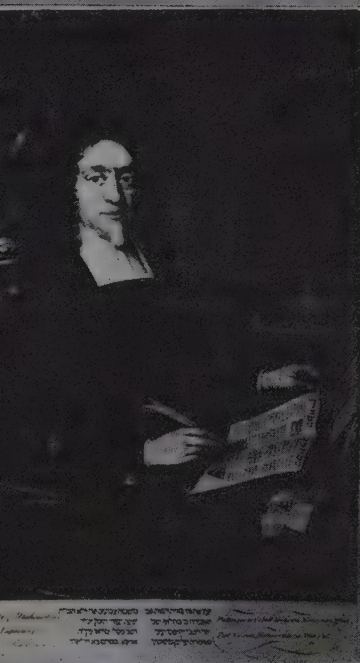
6. SAMUEL COOPER, THE DUKE OF MONMOUTH AS BOY, WINDSOR CASTLE.

7. MEDAL FOR BENJAMIN BEN ELIAHU BEER, PARIS, BIBLIOTHÈQUE NATIONALE.

8. PART OF AN ESTHER-SCROLL, CINCINNATI, HEBREW UNION COLLEGE, VENICE, 1748.



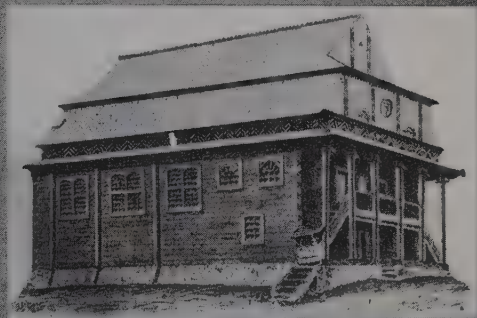
9



10



11



12

*Photographs by Jacob B. Marx*

9. ZOFFANY: CAPTAIN JAMES COOK, SIR JOSEPH BANKS AND ZOFFANY DIS-  
CUSSING COOK'S SECOND EXPEDITION, PRIVATE POSSESSION.
10. DAVID ESTEVENS: R. DAVID NIETO, AFTER THE MEZZOTINT OF I. MCARDELL.
11. WOODEN SYNAGOGUE IN KURNIK, FORMERLY POLAND.
12. WOODEN SYNAGOGUE IN LUTOMIERSK, FORMERLY POLAND.



13



16



15



instance of an architect, Joseph Schlesinger of Breslau, who, in 1764-65, remodelled the Prague Jewish Town Council in the baroque style. I have doubts whether this Schlesinger was a Jew, since the name is frequently found among German non-Jews.<sup>181</sup>

We have also a single Jewish sculptor, Bourig Meyer (1630-1710), a Portuguese Jew who worked in stone at Frankfort on the Main, and collaborated with Johann Bernhard Schwarzbürger in carving from porphyry one of the popular series of busts of the Roman emperors.<sup>182</sup> This artist, I imagine, is Jewish only as to his origin. The subject matter of his work, as well as the fact that he worked not alone but together with a Christian, gives this theory support.

As earliest of the Jewish painters I find one whose baptism is on record, Joseph Nathan, later called Joseph Marquard Treu (1713-1796). Joseph Nathan's father, court Jew to the Prince-Bishop in Bamberg, saw to it that Joseph received, as a boy, a scientific education in Prague and in Metz. On the son's return home he was converted to the Catholic faith by a Jesuit named Marquard, with the result that the road to a successful career was now open. The favor of the prince-bishop, which his father had already enjoyed, was turned to him even more strongly. In 1766-67 he received the post of inspector of the art-gallery of the Counts of Schoenborn in the castle of Pommersfelden. His work consists of altar paintings, genre scenes, and still life paintings, some of which, of no great merit, have been preserved in galleries at Bamberg. Six of his children were likewise artists, for the most part court painters for the prince-bishops at Würzburg and Mannheim. Joseph Nathan's children had some fame during their lifetime, but are forgotten today.<sup>183</sup>

<sup>181</sup> In Thieme-Becker's *Kuenstler-Lexikon* this Josef Schlesinger is not mentioned, and in Breslau, a city with the history of whose architecture I am familiar, I never heard the name. Likewise the miniaturist Jakob Schlesinger (1792/93-1855), the son of Johann Schlesinger, who is sometimes considered a Jew, was a Christian.

<sup>182</sup> Thieme-Becker, *l. c.*

<sup>183</sup> Cf. Max Osborn, "Die Malerfamilie Treu," *Almanach des Kulturbundes deutscher-Juden*, 1934/35, p. 82 ff. A few of his dates may be corrected after Thieme-Becker, *l. c.*

In the field of artistic craftsmanship, the desire of German Jews for costly and at the same time beautiful ceremonial objects was strong, and there were at least a few wealthy benefactors who could donate rich Torah curtains, Torah mantles, Torah finials, Torah breastplates, pointers, Chanukah lamps, and the like. The artistic quality is for the most part high, but the artists, so far as the work in precious metals is concerned, are not Jews. One eighteenth-century goldsmith signing his work I.R. has been considered a Jew, because his known works are Jewish ritual elements and because he stamped them with a Fürth hallmark, Fürth being one of the most flourishing congregations in Bavaria. Marc Rosenberg,<sup>184</sup> leading connoisseur of goldsmith's stamps, first gave this opinion, indeed read the monogram as I. Rimoni. The authority of this expert also induced me to cite, in my *Einführung in die Jüdische Kunst*, a Torah breastplate by I.R. from the Jewish museum in Mainz, as the work of a Jew, and to give an illustration of it. At present I entertain serious doubts. If Jewish work only by I.R. has survived, perhaps that is because the Jews of Fürth ordered so many pieces from him. Furthermore, in many other German towns, certain Christian workmen were particularly favored by the Jews. A thorough research into Frankfort Chanukah lamps, which appeared a few years ago,<sup>185</sup> has brought to light a number of Frankfort silver-smiths, but — at least before the nineteenth century — none of them were Jews, despite the fact that Frankfort assuredly possessed a great Jewish congregation. That I.R. was a Jew is improbable.

A goldsmith of Jewish descent, Rachel by name, is mentioned by Ernst Cohn-Wiener in his book, *Die Jüdische Kunst* (Berlin 1909, p. 220); he worked in the eighteenth century at the Saxon court in Dresden. The Rachels were an old family of metalworkers, but already the founder, Moritz (d. 1661) was the son of a Christian clergyman.<sup>186</sup> Hence we have to strike also this Rachel off of our list.

<sup>184</sup> *Der Goldschmiede Merkzeichen*, 3. ed., 11, no. 2157.

<sup>185</sup> Hermann Gundersheimer and Guido Schönberger, *Frankfurter Chanukahleuchter aus Silber und Zinn*, Frankfort on the Main, 1937.

<sup>186</sup> Thieme-Becker, *l. c.*, XXVII (1933), under *Rachel*.

Where restrictions did not obtrude, the activities of artists went on vigorously. Embroidery, for example, was permitted to Jews,<sup>187</sup> and we find excellent examples in this field. In the first place Elkone Naumburg, in the early eighteenth century, made many costly embroideries. He came from Gross Glogau in Silesia, and held the office of Cantor in Fürth. Albert Wolf had already written in praise of him, and Theo Harburger added some information.<sup>188</sup> Elkone truly deserves to be held in memory. Shortly before my departure from Germany, I had the opportunity to see the Torah curtain which he made in 1714 for the synagogue in Hildesheim where it was preserved in the Jewish school — beautiful colors, harmoniously arranged, red velvet with a greenish center-piece, and gold and silver embroideries. Particularly magnificent was the effect of the golden spiral pillars, one on each side of the curtain, gracefully enlaced with red flowers and green leaves. Joseph Oppenheim, a son of the famous book-collector David Oppenheim, and his wife, the daughter of the imperial court agent Samson Wertheimer, had given this as a present to the synagogue, and the names of these donors indicate that generous resources were here employed to create something extraordinary. On the *Kapporet*, the artist proudly signs his complete name.

A covering for the Torah, later cut in two pieces, and a cloth for the Cantor's desk, made by Elkone at the same time, were still in existence in 1938. Today all of these things have probably been destroyed. Unfortunately no picture of those works has ever been published.

A second curtain by Elkone, made in 1724, was in the possession of the Augsburg congregation, the corresponding Torah coat being owned by the Kriegshaber congregation, in Bavaria. A third curtain was formerly in Fürth. It had originally been ordered by an Amsterdam synagogue, but was returned on account of its excessive sumptuousness. Here, like the Christians

<sup>187</sup> For Fürth see S. Henle, *Geschichte der Juden im ehemaligen Fürstenthum Ansbach*, Ansbach, 1867, p. 173.

<sup>188</sup> Wolf, *MJV*, IX, p. 40 and Theo Harburger, "K'le Kodesch and Parocheth in bayerischem Privatbesitze," *Bayerische Israelitische Gemeindezeitung*, 1929, p. 120.



in the Netherlands, the Jews favored simplicity. The rich family Gumbert had bought the curtain for 1200 Gulden and presented it to the old chief synagogue of Fürth. When I looked for it there, it was no longer to be found.

A contemporary worker in embroidery has been unearthed by Theo Harburger,<sup>189</sup> Jacob Koppel Gans, who worked in Höchstädt. The Torah curtains in Krumbach (1727)<sup>190</sup> and in Ichenhausen (1730 or 1737) are his handiwork. The themes are similar to those of Elkone, but not so elegant in drawing and in coloring.

In Berlin, in 1684, the silk embroiderer Behrendt is mentioned, and a little later the court embroiderer, Salomon Isaac.<sup>191</sup> As his title indicates, he did not work solely for Jews. This feature is general: the Jewish embroiderer in silk was in lively demand.

"At Fulda," I. I. Schudt tells us in his *Jüdische Merckwürdigkeiten*,<sup>192</sup> "a Bohemian Jew has been staying twelve years already working as artistic gold embroiderer for missal robes and other Roman Catholic vestments . . ." In Mainz we also meet with a Jew who was elevated in 1725 to the rank of court embroiderer, but only after baptism. None but his later name, Johann Sebastian Stein, has survived.<sup>193</sup>

Jewish portraits, which we found in the Netherlands and in England as early as the seventeenth century, appeared among the German Jews only in the late eighteenth and early nineteenth centuries. As far as Jewish engravers are concerned, Salli Kirschstein has collected them in his book *Jüdische Graphiker aus der Zeit von 1625-1825*, Berlin, 1918. Therefore I may limit myself, in this field, to a list of the artists and a few corrections.

Salomon Bennett, whose birth and death dates could not yet definitely be stated by Kirschstein, was born in 1761 at Polozk in

<sup>189</sup> *l. c.*, p. 121.

<sup>190</sup> Illustration in Landsberger, *Einführung*, *l. c.*, ill. 7.

<sup>191</sup> Ludwig Geiger, *Geschichte der Juden Berlins*, II, p. 47.

<sup>192</sup> IV, 1718, p. 252.

<sup>193</sup> Ernst Zaiss, "Zur Mainzischen Kultur- Kunst- und Handwerker-Geschichte," *Zeitschrift der Vereinigung zur Erforschung der Rheinischen Geschichte und Altertümer in Mainz*, III (1868), p. 386 f.

White Russia, and died, 1838, in London.<sup>194</sup> The portraits which he made in Germany and England, copied from the paintings of other artists, are technically on a level with contemporary work, but not very lifelike in expression.

Greater ability was shown by the Berlin artist Heinrich Bendix (1768–1828). The mezzotint which he made in 1808 from a portrait of the famous cantor and composer Aaron Beer is a great achievement, freshly executed in velvety black tones.<sup>195</sup>

A third artist from this transition period named by Kirschstein is M. Abramson the younger, according to his signature on an engraving of Rabbi Hirschel Loebel (Kirschstein, Plate XXV). If we look more closely, we note that a J is connected with the M, and the two first names are Michael Jacob — Kirschstein erroneously reads the M as Moses. He is also not a son, as Kirschstein believed, but a younger brother of the well-known medalist Abraham Abramson.<sup>196</sup> Abramson the younger was born about 1775 and died in 1825. Most of his work is lost; the above-mentioned portrait of Hirschel Loebel, after a painting of I. A. Krüger, shows ability however. Later Abramson appears to have traveled, probably to Scandinavia. The brothers Henschel, extensively discussed by Kirschstein, come after the end of the period we are discussing.

We may contrast the painted decoration of manuscripts in the middle ages with two new fields in which the Jews of the modern era excelled: the painting of portrait miniatures and the art of engraving stone and metal for seals, coins, and medals. Both types of work were carried on in other countries as well, but especially talented workers were to be found in Germany. Hence, in treating these arts, we shall consider that country in the main, but not with the intention of slighting the others. After all, both techniques had *one* characteristic that recom-

<sup>194</sup> Cecil Roth, *Records of the Western Synagogue*, London, 1932, p. 128 f., Rubens, *l. c.*, p. 8, 54.

<sup>195</sup> Illustration in Kirschstein, *Jüdische Graphiker* . . . plate XXIII. For the sake of completeness I add the later baptized engraver and miniaturist Johann Meno Haas (1752–1833), not mentioned by Kirschstein. Cf. Thieme-Becker, *l. c.*

<sup>196</sup> Cf. Tassilo Hoffmann in *Encyclopedia Judaica*, I, 1928.

mended them to *all* Jewish artists — the delicate and precise nature of the work, requiring care and patience — in this respect something like a continuation of the fine art of illustrating manuscripts.

Portrait miniatures, which we had found in seventeenth-century England as the work of the brothers Cooper, were made in eighteenth-century Germany by a series of artists beginning with Ismael Israel Mengs, a painter of Jewish descent (1688–1746). Philipp Weilbach, in the encyclopedia of Danish artists previously quoted,<sup>197</sup> states that the ancestors of this artist had emigrated to Denmark from the Lausitz, Germany. Whether Ismael's parents had already embraced the Protestant religion, or whether the son took that step, had not been determined. The name of the artist gives no indication; even the name Israel is among those that were borrowed from the Bible in Protestant countries. In 1720 at any rate, we have proof that he was already a Christian, by his marriage at that time with the Saxonian Charlotte Burmann. The artist was born in Copenhagen, went to Lübeck and Hamburg to receive his artistic training, and finally came to Saxony, where he rose to the rank of court painter. He executed portraits on canvas as well as in miniature forms. Examples which still testify to his ability can be seen in the Dresden Museum.

His son Anton Rafael Mengs achieved even more fame. Leader of the classical movement, he became the most celebrated European painter of the eighteenth century. But so little of his background was Jewish that we must leave him out of consideration. The Jewish Encyclopedia says of him that he "abandoned the Jewish faith and was admitted into the Roman Catholic Church." It is true that he adopted Catholicism at Rome in 1749, but he did not abandon the Jewish faith. Unquestionably he was born a Christian, and gave up the Protestant, not the Jewish religion when he turned Catholic.

One generation later we find another Jewish miniature painter, Juda Pinhas (1727–1793)<sup>198</sup> who never abandoned his

<sup>197</sup> *Nyt Dansk Kunstnerlexikon*, II, Copenhagen, 1896.

<sup>198</sup> Cf. Ernst Lemberger, "Die fünf Pinhas, Beiträge zur Geschichte der Miniaturmalerei," in the periodical *Der Cicerone*, VIII (1916), p. 127 f.

faith. He was the son of a copyist, and himself worked as a copyist. Here we find the connection, previously indicated, between the miniature illustrations for books and miniature portrait painting, in the same person. Juda Pinhas was born at Lehrberg near Ansbach. By his book illustrations, he early aroused the interest of the Margrave, Karl Friedrich Wilhelm of Ansbach. The latter had him trained in portrait painting, and in 1753, when Juda Pinhas came to Bayreuth, named him second court painter. After 1775 Pinhas lived in Ansbach, still as court painter, but for the Margrave, Karl Alexander. During a stay in Berlin he is reported to have painted likenesses of Frederick the Great and of other princes. His works have been lost, and the miniature portrait of Prince Heinrich of Prussia in the Hanover Museum, which Ernst Lemberger attempted to ascribe to Juda Pinhas, cannot be discussed in any definite way as long as no other works, known to be his, exist with which it can be compared.

More has survived of the work of his son and pupil, Salomon Pinhas (1759–1837), who became court painter to the Prince Elector, William, at Cassel in 1789. In the Munich Jewish Museum there was an excellent portrait of Rabbi Loeb of Berlin by this artist.<sup>199</sup> A replica of this portrait is in the collection of the Hebrew Union College in Cincinnati. In the Jewish Museum in Berlin there were pictures of the seven members of the Israelitic Consistory of the Kingdom of Westphalia.

A contemporary of Salomon Pinhas was Moses Samuel Löwe (1756–1831), who later assumed the more acceptable name Johann Michael Siegfried Lowe. He came to Berlin at the age of fourteen, went to Dresden a few years later to study at the Academy of Art there and, after a journey to Italy, settled down in Berlin. As we see, the careers of Jewish artists now begin to resemble those of other artists — a period of training in a public school of art followed by the usual trip to Italy. Also the subjects of the portraits are now the same as those of other artists. Besides a miniature portrait of Markus Herz, the noted Jewish physician (H.U.C., Cincinnati), we find pictures of the great minds of the Time of Enlightenment. A set of engravings by him, entitled

<sup>199</sup> Landsberger, *Einführung*, l. c., ill. 47.

*Bildnisse jetzt-lebender Berliner Gelehrten mit ihren Selbstbiographien* appeared in 1805-6 and was praised by Goethe.

Of the following generation, whose activities chiefly extend into the nineteenth century, we shall give only the names: Lippmann Fraenckel (1772-1857), Pinhas Liebmann (1772-1832), Leo Lehmann (1782-1859), Jeremias David Alexander Fiorino (1797-1847), L. Bramson, S. Nathan. The quality of their miniatures is higher than that of their predecessors, and the recognition that they received was correspondingly more laudatory. Lippmann Fraenckel of Parchim in Mecklenburg, whom most of the Jewish encyclopedias fail to mention, was "the most able painter of miniatures in Denmark during the first half of the nineteenth century,"<sup>200</sup> and I. D. A. Fiorino one of the most popular miniaturists of the German Biedermaier period.

In England, Abraham Ezekiel (1757-1806) became noted for his portrait miniatures; in Italy and France, Raphael Bacchi (1717-1767).<sup>201</sup> When Bacchi came to Paris in the fifties, he was soon such a favorite that the King and members of the highest aristocracy of France sat for him. His works, however, among them snuff-boxes with portraits, are lost.

Equal success was enjoyed by the Jews, and here also particularly by the German Jews, in the cutting of stone and metal seals. To give the reader a sample of this art, we picture in illust. 14, a seal dated in the seventeenth century by Paul Debo in his book *Alte Ringe*.<sup>202</sup> The seal holds the initials יבִּחֶשֶׁה, which Debo, presumably through further information from the owner, read as Jehuda (or Isaac) ben Chajim Schwarzschild Halevi. The Latin initials I.S. could very well be those of the owner. The owner having been a Levite, his emblem, the jug of the Levite, is set in an oval shield crowned by the head of a lion.

The engraver of this seal is not named; that he was Jewish can hardly be doubted. Why should a Jew have gone outside of his congregation at a time when every Jewish community of any

<sup>200</sup> Such is the opinion of Ernst Lemberger in *Meisterminiaturen aus fünf Jahrhunderten*, 1911. Pinhas Liebmann likewise received honors in Denmark and later in Sweden.

<sup>201</sup> Thieme-Becker, *l. c.*, with references.

<sup>202</sup> Paul Debo, *Alte Ringe*, Pfortzheim, 1923, plate X no. 75.



size possessed skilled workers in this medium, who could furnish correct Hebrew inscriptions and appropriated ornaments? These artists even appeared at the fairs<sup>203</sup> where the Jews living outside the towns, and probably non-Jews as well, must have made use of their services.

Besides engraving seals, these artists worked in another type of manufacture, that of pewter plates. Little plates of this sort were used during Purim, for "sending portions to one another and gifts to the poor" (Esther 9.22). Larger ones were fashioned for serving the symbolic food on the evening of the Seder.

That the engravers of seals also made these plates can be proved from a Seder plate originating in Fürth, which reached the Jewish Museum in London by way of the Howitt Collection (illust. 15). The pictures in the center of the plate show a medalion held by lions, symbol of Juda, in which two hands are extended in blessing, symbol of *Kohanim*. The rim of the plate shows the "Four Sons" of the Passover Haggadah, framed in ornamental plants and Hebrew words. The inscriptions state that this plate was made for Jacob Kohn — hence the hands; and the engraver gives his name, a little lower down: *ברוך חותם שטעכער*, Baruch, *Hotamstecher*, that is, engraver of seals.<sup>204</sup> Thus we learn from this signature that members of the engravers' craft also decorated plates.

On other plates also the names of the engravers are found. Meir, the son of Bendit, signed a Seder plate at Hameln in 1789 (Hamburg Museum for Arts and Crafts). Salomo Salmann ben Jacob from Eschwege signed another plate of this kind, formerly in a private collection at Breslau.<sup>205</sup>

<sup>203</sup> According to I. I. Schudt in the *Jüdische Merckwürdigkeiten*, II, 1714, p. 172, about Frankfort on the Main: "Hiesigen Orts habe ich in der Mess Juden in der Gassn sehen Petschieren stechen" (In this place I saw Jews at the fair standing on the street engraving seals).

<sup>204</sup> Cecil Roth, who discussed the plate in *The Connoisseur*, 1933, p. 151 ff., read Baruch Schtecher, obviously assuming this to be his name. He was rather "Stecher," engraver, by profession. He also read the date as 1773, but no combination of the letters can give this number. But most of the pewter plates which I have so far seen dated from the second half of the eighteenth century.

<sup>205</sup> Erwin Hintze, catalogue of the Breslau exhibition, "Das Judentum in der Geschichte Schlesiens," 1929, no. 409.



To return now to the principal occupation of these engravers, the cutting of seals, we had noted previously that we have here a technique used by the Jews in biblical times, and one which, like the art of calligraphy, had never been lost. The Jews, after all, could be called not only the people of the book, but also the people of the letter, i. e. of letters used for their widespread trade, for responsa, for the planning of marriages and the maintenance of ramified family connections. This writing of letters, of course, made necessary the use of seals as a safeguard against perusal by strangers.

Albert Wolf devoted particular care to tracing these Jewish seal-engravers, coin-minters and medalists, and we shall follow his results in shortened form, while putting his collection of names in order according to date and place and making additions or corrections required by more recent research.

In Sweden, the first Jew after the expulsion of 1685 to receive the rights of citizenship — from Gustavus III (1746–1792) — was an engraver of metal named Aaron Isaac who was born in Treuenbrietzen in Germany and who had migrated to Sweden.

In eighteenth-century Russia, we find a Jewish minter of coins named Samuel Judin at the imperial court. Wolf possessed only partial information about Judin's activities: he thought that the years from 1704 to 1740 gave the time during which Judin worked. Later researches<sup>206</sup> have shown that Judin was born as late as 1730 at St. Petersburg, and was still living in 1800. His first signed work was a silver ruble designed for Peter III, showing the head of the emperor on the obverse, the double eagle on the reverse. Judin's later commemorative coins include one for the victory of Poltawa and another marking the peace treaty between Russia and Sweden. We observe that he received many official commissions.

In Poland we find an artist named Wolf Schaje Finkelstein (still alive in 1804), who spent some time at the Swedish court. In Austria there was, at the end of the eighteenth century, an engraver named Salomon P. Abraham — Wolf makes no mention of him — several of whose cameos are in the Museum for Art

<sup>206</sup> Mentioned by L. Forrer, *Biographical Dictionary of Medalists*, III, London, 1903, with illustration of the silver Ruble for Peter III.

History at Vienna.<sup>207</sup> Also in the same city were Ascher Wapperstein (1780–1852) and Josef Steinschneider (1782–1838), who worked largely in the nineteenth century. Both of these artists served the court and the nobility.<sup>208</sup>

In France and Belgium Jean Henri Simon (1752–1830) worked as court engraver for several princes, among them Napoleon I and the king of the Netherlands. The facts regarding his religion have been a subject of a controversy. Forrer, in the *Dictionary of Medalists* (already quoted), gives as Jean-Henri's great-grandfather Thomas Simon (1680–1765), the English cutter of gems, who was a non-Jew. An article in the *Revue Orientale*<sup>209</sup> offers a different version. Here E. Carmoly, the editor of the periodical (who is not an altogether reliable source of information), in an *Essai sur l'Histoire des Juifs en Belgique* appearing in serial form, devotes one installment, "*Le Chevalier Simon*," to the adventurous life of this J. H. Simon. At the close the article says: "He was buried with military and religious honors; the chief rabbi delivered a funeral address at his tomb." Since this essay appeared only eleven years after the death of the artist, the veracity of the report should be credited. Another indication that Simon was a Jew is the name of his brother, also an engraver of seals. This brother, Mayer, was called *Simon de Paris* to distinguish him from Jean Henri, who late in life returned to Belgium. Wolf also knew of Mayer Simon,<sup>210</sup> but thought that he was Jean Henri's father instead of his older brother. We now know the dates of Mayer's life: he was born at Brussels in 1746 and died in 1821.

The matter is complicated further by a contemporary Jewish artist Samuel Simon, also from Brussels, who went to Paris in the eighties of the eighteenth century and was given the title of *graveur de la poste* in 1809.<sup>211</sup> Samuel may have been another

<sup>207</sup> One of them portraying the Emperor Leopold II is signed. Cf. Tassilo Hoffman, *Jacob Abraham and Abraham Abramson*, Berlin, 1927, p. 10, 14. Salomon P. Abraham is sometimes erroneously called a son of the Prussian medalist Jacob Abraham.

<sup>208</sup> Wolf, *MJV*, XV, p. 122.

<sup>209</sup> Volume I, Brussels, 1841, p. 266 ff.

<sup>210</sup> *MJV*, XV, p. 16, corrected by Thieme-Becker, *l. c.*

<sup>211</sup> Léon Kahn, *Les professions manuelles et les institutions de patronage*, Paris, 1885, p. 68, 70.

brother of Jean Henri. Of all of these, Jean Henri was by far the most famous. His cameos of Napoleon, Joseph II of Austria, William I of the Netherlands, and others, are scattered among a score of European collections.

Let us go on to Germany. Here the political cleavage into small principalities offered a wide scope to the engravers of seals and coins, and since the number of Christian artists apparently did not suffice, Jewish artists who enjoyed an increasing fame were frequently taken into the service of the various courts.

In Dresden, the minters Michael Samuel and Jehiel Michael (Abt) received the position of court factor and engraver of seals at the court of August II (1696–1763). No works of theirs are known.

In Mecklenburg-Schwerin we find, thanks to the art-loving and, at the same time, tolerant dukes Christian Ludwig II (1747–1756) and Frederick the Pious (1756–1785), an atmosphere favorable to the activities of Jewish seal-engravers. The position of court engraver was held by Philipp Aaron (1709–1794). Philipp Aaron's medal of Prince Christian Ludwig II, designed in 1749, has survived.

Abraham Aaron (ab. 1744–1824) was not the son of Philipp, as Wolf supposed (MJV XV, 26), but Philipp's brother, although much younger. Recent researches have thrown new light on Abraham Aaron's career.<sup>212</sup> Because of the small salary at the ducal court Abraham Aaron left Schwerin and went to Stockholm about 1775–77. At that time the government of Schwerin asked Duke Frederick, in a petition, to recall the artist. "This much can be said," we read in the petition, "that your Highness has lost an artist without an equal in Lower Saxony, for orders used to come to him from Berlin, Hanover, Hamburg, and Lübeck. Since his departure to Sweden there is no one in Mecklenburg with the skill to cut a graceful coat-of-arms in stone, let alone engrave a clean die for a coin." As a result of this petition the artist was brought back. Of his medals a number have been

<sup>212</sup> S. Silberstein, "Mecklenburgische Medaillen in der Kunstsammlung der jüdischen Gemeinde zu Berlin, *Gemeindeblatt der jüdischen Gemeinde zu Berlin*, VII (1917), no. 5.

preserved.<sup>213</sup> There are works in classical style, whose execution shows good taste and precise handling.

Meier Löser (1740–1814), likewise born in Mecklenburg-Schwerin, was called to Greifswald at the turn of the nineteenth century to cut the royal coat-of-arms in stone. Only one of his medals is known, designed to commemorate the opening of the Baltic sea resort Doberan.

B. Getz (Götz) came from Strelitz, settled as an engraver in Liverpool and died there in 1798. He anglicized his name to B. E. Yates. Philipp Hirsch was born in near-by Pomerania, at Stralsund, in 1784, and was named court engraver at Württemberg after baptism. Hirsch cut portraits in stone of Goethe and Schiller.<sup>214</sup>

In the flourishing seaport, Hamburg, this profession found many representatives, whose work was commissioned by Jews even more than by non-Jews. According to a gentile observer, "the seal-engravers of Hamburg are highly skilled and do not charge high prices. This is due to the large numbers of Jews engaged in that trade."<sup>215</sup> In 1632, we hear of an engraver Izaque Mesias, a Portuguese Jew whose works have vanished. In the early eighteenth century Aaron Jakobson worked in Hamburg at the same trade. In 1750, Jakobson moved to Copenhagen where he became royal engraver. Of his sons, David Aaron (1753–1812) and Salomon Aaron (1754–1830),<sup>216</sup> Salomon Aaron Jakobson was the more notable. Like his brother he worked at the Danish court, but frequently went to Stockholm to cut gems for Gustav III. Salomon Aaron's son Albert (1780–1836) followed the family profession. Like the occupation of scribe, that of engraver in stone and metal sometimes remained in the same family for generations.

<sup>213</sup> Albert Wolf in his article, "Die Hamburger auf oder von Juden geprägten Medaillen," *MJV*, XIII (1904), p. 151 ff., gives illustrations of three of them in no. VII, VIII, IX.

<sup>214</sup> Thieme-Becker, *l. c.*

<sup>215</sup> See Griesheim, *Traktat ueber die Stadt Hamburg*, 1757, I, 138. Quoted from M. Grunwald, *Portugiesengraeber auf deutscher Erde*, Hamburg, 1912, p. 12, note 1.

<sup>216</sup> Forrer, *Dictionary . . .*, and Thieme-Becker, *l. c.*

The artists mentioned above left Hamburg: but two others of the period were in permanent residence there, Abraham Jakobs (active in the sixties and seventies of the eighteenth century)<sup>217</sup> and Abraham Joseph Heilbut (1762–1836). A number of commemorative coins by Heilbut have survived. These coins bear a portrait or a coat-of-arms on the obverse, and an allegorical scene in the neo-classical style of the time on the reverse.<sup>218</sup>

The greatest development of these arts was reached in Prussia. Here we find under the Great Elector who, in 1670, had already given refuge to a number of the Jews expelled from Vienna, the brothers Joseph Abraham (d. 1697) and Michael Abraham. Joseph, in 1683, cut the great seal of the Elector, and later the smaller one engraved with the Order of the Black Eagle.

Joseph Abraham's son, Levin Joseph, succeeded to his father's office in 1698. The contemporary writer I. I. Schudt, surely no great admirer of the Jews, proudly declares that Levin Joseph had cut the royal coat-of-arms on a diamond "the like of which will hardly be seen again, since other workmen cut or grind the diamond, but, for fear of splitting it, do not dare to dig into it."<sup>219</sup> Schudt also reports, in 1714, that the artist "died a few years ago, still fairly young."

In the late eighteenth century two medalists, father and son, reach the high point in this series of Prussian Jewish artists. The father gives his name as Jakob Abraham (1723–1800), the son as Abraham Abramson (1754–1811). Tassilo Hoffmann has devoted to these two a beautifully decorated monograph that supersedes all previous investigations.<sup>220</sup> The birthplace of Jakob Abraham is unknown. In his thirteenth year he learned the arts of cutting stones and of engraving metal at Lissa in Poland. In 1750 he came to Berlin and was employed for the royal mint by Frederick the Great. Jakob Abraham went as royal medalist and seal-engraver to Stettin in 1753 and to Königsberg in 1757. From 1797 until his death he again worked in Berlin.

<sup>217</sup> Wolf, *MJV*, IX, p. 31, XIII, p. 60. Also Thieme-Becker, *l. c.*

<sup>218</sup> *l. c.*, p. 61 with the illustrations XXIV–XXVI, and XV, 17.

<sup>219</sup> *Juedische Merckwuerdigkeiten*, II, p. 173, with illustration of the diamond.

<sup>220</sup> *Jakob Abraham und Abraham Abramson*, Berlin, 1927.



The designs for his commemorative coins were furnished mostly by others, but his skill lay in the translation of such a design into a delicate relief sculpture. An instance of his work is the medal for the victory of Torgau (1760), with a profile of Frederick the Great on the obverse, and one of these mythological allegories so popular in his day — Hercules receiving Jupiter's thunderbolt from the eagle — in this artist's graceful style on the reverse. Frederick, not unlike later conquerors, proudly announced on this side of his medal: "*Novus incipit ordo*," "A new order is beginning."<sup>221</sup> It is also interesting to note that Abraham received, from Frederick the Great, the commission to make a new Prussian eagle for the Thaler pieces that were to be minted, and that he furnished an excellent design, taking his idea from a medal originating in Russia.

The son of the artist was even more famous. His education and training were those common to artists of eighteenth-century Germany. The son learned the crafts from his father, and the arts in the Art Academy from Tassaert, the court sculptor of Frederick. In 1791 the Prussian state gave Abramson leave for a four-years' stay in Italy, for the purpose of study. In 1792 Abramson became a member of the Berlin Academy of Arts, and later of a number of other academies — all without changing his religion. Conscious of his abilities, he wrote in 1795 the unpublished *Ideen zu einer Geschichte der Münzkunst*, and in 1801 the *Versuch über den Geschmack auf Medaillen und Münzen*.

His art, like that of his father, stood in the service of the Prussian court. At the same time he had the urge to commemorate the greatest Germans of the Period of Enlightenment in medals. From 1774 to 1784 he issued, in collaboration with his father, a series of the German poets and philosophers — Kant, Sulzer, Ramler, and also Moses Mendelssohn. Shortly before 1800 he prepared a second series, including Lessing, Wieland, and Schiller.

To give a sample of his skill, I reproduce here, in illust. 16, the medal which he engraved for Daniel Izig, the noted court banker and Maecenas, head of the Jews in Prussia. The obverse

<sup>221</sup> *l. c.*, plate I.



shows the subject, in profile, the sharp features softened by the cap and robe which he is wearing. On the reverse we see a classical female form representing Charity, who shelters a child with her cloak while offering it fruit in a basket. *Bene merenti pietas filii natu majoris 1793* is the inscription. The son had the medal struck in honor of his father's seventieth birthday. It is difficult to imagine a more noble and harmonious, and at the same time warm and intimate portrait than this work of a Jewish artist, who felt at home in the German classical culture, then at its height, and strove to serve it to the best of his ability.

There is a drawing by I. G. Schadow,<sup>222</sup> the most noted sculptor of his day, in which Schadow (a non-Jew) is sitting with his friend Abramson, the latter's wife, and some others around the tea table. At Schadow's side is his wife, née Devidels, daughter of a Jewish jeweler of Vienna, her beauty and grace a constant delight to the artist. Thus at this time, free of discord, the best Jews and the best Germans felt a mutual attraction.

How deeply rooted Abramson was in the German life of his day is shown by the deep sorrow that he evinced when the Prussian state was close to disaster as a result of the Napoleonic victories. He died, at that time, and the Haude-Spener Journal used, in its obituary notice, the words: "The state has, through his death, . . . experienced a considerable loss, since the deceased was among the most able artists in his field, and has served the state since the year 1772 faithfully and conscientiously under three monarchs . . . The work for the mint that was given to him was carried out with unflagging zeal and industry, and the events of the last years, which, as a true patriot, he took to heart, undermined his weakened constitution and contributed to his early death."<sup>223</sup>

\* \* \*

The reader has followed me on a long and, in places, rather detailed and arduous journey. But a building must be built of single bricks, and in the construction of an abode for Jewish art no detail can be too trivial.

— l. c., facing page 44.

<sup>223</sup> l. c., p. 37.

One fact has surely appeared from this mass of details: the number of Jewish artists in the past was a large one, far larger than most cultured people, even among the Jews, realize. This number, which had evidently increased in late antiquity and even in the early Middle Ages, diminished considerably as a result of the restrictions during the late Middle Ages but grew once more in the modern era, particularly during the seventeenth and eighteenth centuries.

The creations of artists and craftsmen are certainly influenced by their surroundings. The Ghetto walls have never kept the seeds of art from flying over them to bring forth new efflorescences within. However insignificant the Jews must feel in their role as recipients, they have nonetheless given many artists and very able artists to the world. Above all, they have imparted skills and abilities to the countries in which they have resided, and in the history of those countries, they can not be disregarded. Certainly early Christian art, in the architecture and decoration of churches as well as in the illustrated scrolls and books, took over many things that had first been designed by Jewish artists for their own ritual needs. Thus the Jews form an important link in the chain joining Christian art with the art of Hellenistic times.

In the art of miniature portraits, and even more in that of engraving stone and metal for seals, coins, and medals, the Jews have, in modern times, furnished an astonishing amount of service for the various European courts. Hence one may well say that the friendly relationship between patron and artist, which arose in this manner, must have contributed greatly to the tolerant atmosphere from which the Emancipation stemmed.

Nothing but good came to the Jewish artist from the Emancipation. It freed him not only from the outer political pressure that bound his person and at times forced his manual skills to decay in idleness; it also removed the inner theological restraints that kept his joy in pictorial art from coming to full expression. In this respect the nineteenth century gave him for the first time what the non-Jewish artist had acquired in the days of the Renaissance, namely the full range of the surrounding world, and the Jewish artist has made good use of this gift.

Like nature, art takes no leaps. The transition from the time before Emancipation to the nineteenth century is not as sudden as one might think. One can find the beginnings of it even in the Renaissance, and further changes from the old to the new era can be discovered in the seventeenth and eighteenth centuries. The historical development shows a definite continuity. To point out this continuity has been one of the aims of the research here reported.

# HEBREW PHONOLOGY

ALEXANDER SPERBER, Jewish Theological Seminary, New York City.

## TABLE OF CONTENTS

### A. THE PROBLEM AND ITS HISTORY

- § 1. The Basic Laws of Tiberian Grammar
- § 2. The Importance of Rule II
- § 3. Inner Contradictions
- § 4. Theories to Alleviate such Difficulties
- § 5. The Validity of Rule VII
- § 6. The Role of the *matres lectionis*
- § 7. Bible Editions are Unreliable
- § 8. The Problem Still Stands
- § 9. A New Approach

### B. THE VOWEL-SIGNS AND THE VOWELS

- § 10. The Tiberian Vowel-signs

#### I. THE DAGESH

##### a) *dagesh lene*

- § 11. Construct Infinitive with Preposition ל
- § 12. Construct Infinitive with Prepositions כ and כ
- § 13. The Identical Verb in the Construct Infinitive with Different Prepositions
- § 14. Different Verbs with Different Prepositions
- § 15. Construct Infinitive with Suffixes
- § 16. Imperative
- § 17. Imperfect
- § 18. Misplaced *dagesh* with Verbs

- § 19. The Noun in the Absolute State
- § 20. The Noun in the Absolute State with Misplaced *dagesh*
- § 21. The Noun in the Construct State Singular
- § 22. The Noun in the Singular with Suffixes
- § 23. The Noun in the Construct State Plural
- § 24. The Noun in the Construct State Plural with Misplaced *dagesh*
- § 25. Dual-Forms
- § 26. Plural-Forms
- § 27. The Noun in the Plural with Misplaced *dagesh*

#### b) *dagesh forte*

- § 28. The Identical Verb in the Identical Form
- § 29. The Identical Verb in Different Forms
- § 30. Different Verbs in the Identical Form
- § 31. Nominal Forms
- § 32. Nominal Forms with the Article
- § 33. Meaningless *dagesh*
- § 34. The *mappik* ה.
- § 35. General Observations

### II. LARYNGALS WITHOUT A VOWEL

- § 36. Vocalized with *hatef* or *sheva*
- § 37. The Laryngal in Final Position
- § 38. The Laryngal in Initial or Medial Position
- § 39. Conclusions

### III. ACCENTUATION AND VOCALIZATION

- § 40. The סוף פסוק
- § 41. The אתנח
- § 42. אתנח and סוף פסוק

- § 43. The זקף קטון
- § 44. The טפחא
- § 45. The רביע
- § 46. The עולה ויורד
- § 47. Conjunctive Accents
- § 48. Conclusions

#### IV. OUR NEW APPROACH BASED UPON THE INDUCTIVE METHOD

- § 49. Evidence from the Palestinian Vocalization

#### V. THE VOWEL *a*: . OR .

- § 50. Biconsonantal Nouns
- § 51. Triconsonantal Nouns
- § 52. Verbal Forms
- § 53. Before a Laryngal
- § 54. Various Other Forms
- § 55. Evidence from the Bible 1515/17
- § 56. Conclusions

#### VI. THE VOWEL *i*: . OR .

- § 57. Perfect-Forms
- § 58. Participle
- § 59. Imperative
- § 60. Absolute Infinitive
- § 61. Absolute Infinitive Equals Construct Infinitive
- § 62. The Imperfect Unchanged by *warw conjunctivum* or *conversivum*
- § 63. The Imperfect Unchanged by Negations לא and אל
- § 64. 1. pers. impf.
- § 65. 2. pers. masc. impf.
- § 66. 3. pers. masc. impf.



- § 67. Nouns and Adverbs
- § 68. Evidence from the Bible 1515/17
- § 69. Evidence from the Babylonian Vocalization
- § 70. Conclusions

#### VII. THE VOWEL *o* (*u*): OR ,

- § 71. The Signs , and ʾ are Interchangeable
- § 72. Imperfect-Forms of Sound Verbs
- § 73. Imperfect-Forms of Verbs *mediae* ʾ
- § 74. Infinitive-Forms of Verbs *mediae* ʾ
- § 75. Absolute Infinitive of Verbs *mediae* ʾ
- § 76. Construct Infinitive of Verbs *mediae* ʾ
- § 77. Absolute Infinitive with Imperfect of Verbs *mediae* ʾ
- § 78. Nouns with Prefix ʔ, derived from Verbs *mediae* ʾ
- § 79. Various Nominal Forms with ʾ and ʾ
- § 80. Evidence from Non-Masoretic Sources
- § 81. *ḥatef ḵames* ( , ) and *ḵames ḥatuf* ( , )
- § 82. Conclusions

#### VIII. THE VOWEL-SIGN *segol* ( , )

- § 83. The Palestinian Equivalent of ,
- § 84. The Babylonian Equivalent of ,
- § 85. The Vowel-Signs , and . Interchangeably Used in the Tiberian System
- § 86. Evidence from the Bible 1515/17
- § 87. The Vowel-Signs , and .
- § 88. The Vowel-Signs , and .
- § 89. Conclusions

IX. ARE THE VOWELS *i* AND *a* DIRECTLY INTERRELATED?

## a) The Identical Noun

- § 90. Plural-Forms
- § 91. Masculine and Feminine Forms
- § 92. Inflected Forms

## b) Different Nouns

- § 93. Nouns Derived from Verbs *primae* פ or פ
- § 94. Nouns Derived from Verbs *tertiæ* ת
- § 95. Nouns with *o* as Second Vowel
- § 96. Nouns with *i* as Second Vowel
- § 97. Nouns with *a* as Second Vowel
- § 98. Inflected Forms
- § 99. Construct State of the Singular
- § 100. Evidence from the Palestinian and Babylonian Vocalization
- § 101. Conclusions

## C. GENERAL CONCLUSIONS

## A. THE PROBLEM AND ITS HISTORY\*

## § 1. THE BASIC LAWS OF TIBERIAN GRAMMAR

I. The Tiberian Vocalization System consists of the following vowel-signs which according to the uncontested grammatical theories indicate:

- a) full vowels: א, י, ו, ע, ח, ק, ל, נ, מ, ש, ז, ט, פ, צ, ב, ג, ד, כ, פ, צ, ב, ג, ד, כ
- b) a murmuring vowel: ׀ which, according to its function, is differentiated in *shewa quiescens*, *mobile* and *medium*
- c) composite vowels: ׁ, ׂ, ׃, ׄ, ׅ, ׆, ׇ, ׈, ׉, ׊, ׋, ׌, ׍, ׎, ׏
- d) *dagesh*: mainly as *dagesh forte* and *lene*, according to its function.

II. The full vowels are divided in: (α) long vowels and (β) short vowels.

III. A syllable always begins with a consonant. The only exception which B-L § 11a note: "dass *ua* 'und' in der tiberischen Ueberlieferung in gewissen Faellen zu *u* wurde: וְכָסִיל "und ein toerichter," וּמְרָמָה "und Betrug" reflects a misconception on the part of that grammar. For, while ו as a *mater lectionis* was vocalic, as a *copula* it was originally pronounced as a consonant. Cf. similarly the difference in the pronunciation of ו as a *mater lectionis* in מְצֹחַ (vocalic) and as a consonant in מְצֹחַ.

IV. A syllable is either (α) open, or (β) closed.

\*The following abbreviations are used here: B-L and Bergstr. indicate the Hebrew grammars by Bauer-Leander and Bergstraesser, respectively.—TRL=A. Sperber, Hebrew based upon Greek and Latin Transliterations, HUCA XII-XIII.—HPT=A. Sperber, Hebrew based upon Biblical Passages in Parallel Transmission, HUCA XIV.—MTK=Paul Kahle, *Der Masoretische Text des AT nach der Ueberlieferung der Babylonischen Juden*, Leipzig 1902.—MdO=Paul Kahle, *Masoreten des Ostens*, Leipzig 1913.—MdW=Paul Kahle, *Masoreten des Westens*, Stuttgart 1927.—All Bible quotations refer — unless another source is mentioned — to the first Masoretic Bible, Venice 1524/5 (cf. § 7).

v. An open syllable has a long vowel, a closed syllable a short one; except for a stressed syllable, which though closed may have a long vowel.

vi. A syllable is closed ( $\alpha$ ) by a consonant with *shewa* (in this case the *shewa* is termed: *quiescens*), or ( $\beta$ ) by a *dagesh* in the following consonant (which is thus a *dagesh forte*).

vii. The letters ע ה ח ע ר do not accept *dagesh*; consequently, a short vowel in an open syllable preceding one of these letters must be lengthened.

viii. The laws with regard to the spirantization of the ב ג ד כ פ ת as laid down f.i. by Bergstr. § 18.

## § 2. THE IMPORTANCE OF RULE II

The division of the vowels into long and short ones is basic for the Tiberian Grammar; the abrogation of this rule would mean the negation of other basic laws, too, since they are closely interwoven into one system: (a) The division of the *shewa* into *shewa mobile* and *shewa quiescens* is determined by the fact whether the vowel of the preceding syllable is long or short: בֶּ-רָכוּ = בְּ-רָכוּ but בֶּרְכִּי = בְּרָכִי; בְּ-בָרָה = בֶּ-בָּרָה but הֶבֶד = הֶבֶד. These examples prove in addition the interrelation between Rule VIII concerning the ב ג ד כ פ ת and our Rule II. — (b) If in the course of the declension an open syllable becomes closed, or a closed syllable with the stress on it loses the stress, then their long vowel simultaneously changes into the corresponding short one, and vice versa: מְדַבֵּר — מְדַבֵּר — מְדַבֵּר; בְּחַמְלָתוֹ — בְּחַמְלָתוֹ — מַחְכְּנָתוֹ; עֹז — עֹזִים. — (c) There can be no long vowel two syllables removed from the one with the stress; in such cases as a rule ו and י are reduced to *shewa* themselves, while in the case of י the following *i*-vowel is reduced to *shewa*: שְׁנָה and שְׁנָה become שְׁנָה; קָרַב — קָרַבִּים; רָבִץ — רָבִצִּים; but short vowels are not affected: מְשַׁמְרָכֶם; מְלֹאכֵי; בְּתַנְתּוֹ: here

the first vowel remained unchanged though suffixes were added to the nouns.

### § 3. INNER CONTRADICTIONS

The history of Hebrew Grammar is a history of endeavors to reconcile the basic laws with one another, and to smooth out the apparent difficulties in their application. E. g., יִבְלֵת is a nominal form like נִחְלֵת; the פתח in יִ is short, for which reason a *dagesh* in the following ב closes the syllable. The ח in נִחְלֵת cannot accept a *dagesh*; hence, the פתח in יִ ought to have been lengthened, according to Rule VII (§ 1); but in fact it is not lengthened. How, then, are we to explain such discrepancies?

### § 4. THEORIES TO ALLEVIATE SUCH DIFFICULTIES

Three theories were advanced to explain these difficulties, each one from a different angle:

a) Virtual lengthening (cf. Bergstr. § 28a): according to this theory the פתח in נִחְלֵת is *virtually lengthened*. We thus have two kinds of פתח: the regular פתח which is short, and another one which is *virtually lengthened*. Needless to say that the same applies to all the short vowels; cf. the . in שִׁבַּר and רָחַם; the ׀ in וְכִבֵּם and נִחְמָה.

b) The validity of Rule VII — argues another theory — is only of comparatively younger date; originally, the letters ר ע ה א were treated just as all the other sound letters of the alphabet, and only as a later development their ability to be geminated was given up, without consistently resulting in a lengthening of the preceding vowel: "Geminierte Laryngale und r wurden vereinfacht. Dabei erhielt immer vor r, oft vor ' und ', seltener for h und h der vorangehende Vokal Ersatzdehnung, so dass a zu ā, i zu ē und u zu ō wurde." (B-L § 24q).

c) These two theories have an hitherto undisputed basic concept in common: the validity of Rule II: ׀, ׀, ׀ are of necessity

reflecting short vowels. The problem confronting the grammarian is: how to account for the missing *dagesh* in the following ר ע ח ה א. The third theory finds the solution of this problem in the abrogation of Rule II: "Saemtliche Vokalzeichen (ausser Schwa und den Chatefs) (i. e. all the full vowels) koennen an sich *lange oder kurze Vokale* bezeichnen: ob ein Vokal lang oder kurz ist, haengt von der Wortform ab und ist aus der Schreibung zunaechst nicht zu ersehen; tatsaechlich allerdings zeigt sich bei Untersuchung der Wortformen, dass „ < a in den allermeisten Faellen lang, „ fast stets kurz ist. Einen Anhalt fuer die Entscheidung bilden die Vokalbuchstaben: plene geschriebene Vokale sind fast stets lang, defectiv geschriebene in sehr vielen Faellen kurz." (Bergstr. § 10d).

#### § 5. THE VALIDITY OF RULE VII

These three attempts to explain how an otherwise short vowel could remain in an open syllable preceding a laryngal אהחע may create the impression that such occurrences were rare and represent merely exceptions to our well attested Rule VII. But in reality things are quite different, as will be seen from the following brief list of verbs *mediae* אהחע and their vocalization in the various tenses of the pi'el and its derivatives:

##### a) *mediae* א:

##### Vowel-signs used:

באר:	בָּאָר; בֹּאֵר	·; ·; ,
גאל:	גָּאָל; גֹּאֵל	·; ·; ,
מאן:	מָאָן; מֹאֵן	·; ,
נאף:	מְנַאֵף; מְנַאֲפֶה-וְנִנְאָפוּ; נִנְאָפָה	·; ·; ,
נאץ:	מְנַאֵץ; מְנַאֲצִי-לְמִנְאָצִי; נִנְאָץ	·; ·; , ; ·
נאר:	נִנְאָר-תָּה-נִנְאָר	·; -
פאר:	פָּאָר; פֹּאֵר	·; ,
שאל:	שָׂאָלוּ; שֹׂאֵלוּ	·; ,



b) *mediae* ה:

## Vowel-signs used:

אהב:	מֵאֵהָבוּ;	מֵאֵהָבִי	-
בהל:	מֵבֵהָל;	מֵבֵהָלִים	.;
טהר:	מֵטֵהָר;	מֵטֵהָרָה	.; -
כהן:	מֵכֵהָן;	מֵכֵהָן	.; -
להט:	מֵלֵהָט;	מֵלֵהָט	.; -
נהג:	מֵנֵהָג;	מֵנֵהָג	.; -
נהל:	מֵנֵהָלָה;	מֵנֵהָל	.; -

c) *mediae* ח:

## Vowel-signs used:

אחו:	מֵאֵחוּ	-
אחר:	מֵאַחֵר; אַחֵר	.; -
כחד:	מֵכָחַד; כָּחַד	.; -
כחש:	מֵכָחַשׁ; כָּחַשׁ	.; -
נחל:	מֵנָחַל; נָחַל	.; -
נחם:	מֵנָחַם; נִנְחַם	.; -
נחש:	מֵנָחָשׁ; נִנְחָשׁ	.; -
סחה:	מֵסָחִיתִי	.
פחד:	מֵפָחַד	-
צחק:	מֵצָחַק	-
רחם:	מֵרָחַם; רָחַם	.; -
רחף:	מֵרָחַף	-
רחץ:	מֵרָחַץ; רָחַץ	.; -
רחק:	מֵרָחַק; רָחַק	.; -
שחד:	מֵשָׁחַד	.
שתק:	מֵשָׁתַק; שָׁתַק	.; -
שחר:	מֵשָׁחַר; שָׁחַר	.; -
שחת:	מֵשָׁחַת; שָׁחַת	.; -

d) <i>mediae</i> ע:	Vowel-signs used:
מְבַעֵר; בְּעֵר; בַּעַר	.; _; `
תְּבַעַת; בְּעָתָהּ; בַּעַת	.; -
כַּעֲסוֹנִי	.
מַעֲטוּ	.
מַעֲכּוּ	.
יִנְעַר; וְנַעַר; נַעַר	.; -
וַתְּחַפְּצֵם-לְפַעֲמוּ	.; ,
מַצַּעֲק	-
וַיִּשְׁתַּעַר-וַיִּשְׁעָרָהּ	.; ,
תַּעֲבֹב; תַּעֲבֹבָהּ; תַּעֲבֹבִי	.; -; ,
לְמַתַּעֲב-הַמַּתַּעֲבִים	.; -; ,

The first observation that strikes our eye while we are examining this list is that the cases with *Ersatzdehnung* (i. e., the substitution of , \_ and ` for \_; . and , , respectively) form a barely noticeable minority, while in the overwhelming majority of instances the verbs *mediae* אֶהַחַע are treated as sound verbs. The only difference of importance in the treatment of the verbs *mediae* אֶהַחַע as compared with the sound verbs is the absence of the *dagesh* to indicate the gemination of the laryngal. The explanation of this fact seems quite obvious: *The gemination of a letter may, but not necessarily must be indicated by a dagesh.*

It is further noteworthy that , \_ and ` are not dealt with as a *unit*, corresponding to the other group \_; . and , ; on the contrary: they are used promiscuously. Thus combinations arise like: .; \_; , and `; or \_; \_ and , ; or . and \_; or \_ and `; and — nota bene — in the various formations of one and the same root. In these cases , and \_ thus indicate *a*; \_ and . *i*; ` and , *o*.

§ 6. THE ROLE OF THE *matres lectionis*

In § 3c a statement by Bergstraesser was quoted with regard to the *matres lectionis* as an aid toward establishing whether the vowel in a given case is long or short. Though this statement is cautiously worded, we still must challenge its applicability. A cursory glance into any reliable Hebrew dictionary or Bible concordance will convince anyone that the *matres lectionis* merely indicate the vowels as such: *a*, *i*, or *o*; but that "no conclusions can be drawn from our sources as to their quantity or quality" (*HPT*, C. The Vowels and their Phonography). Bergstr. himself considers the *scriptio plena* or *defectiva* not as decisive, but only as an "Anhalt"; the main criterion to him is the "Wortform," i. e. how any given nominal or verbal form *ought* to be spelled according to rules established in his grammar. (And this refers not only to Bergstr. but to all the grammarians). In other words: The grammarian knows beforehand, how every word has to be spelled; he then approaches the Bible and finds whether the Masoretes were conscientiously discharging their task in copying and preserving the Bible text in such a shape as might be approved of by him (i. e. the grammarian), or whether they were negligent about their work and let spellings occur which do not comply with his (scil. the grammarians) conception of Hebrew. In such cases the Masoretes are sure to get their rebuke: cf. B.-L. § 49v s. v. עבר, חתם, חשך, חרש, חפז, חמל, חבש, הרס, גדר, גלל, בזו, ארר, ערץ, עמד, עטף, עזב, עבר, תמם, קבב, צרר, פרר, עזו, סבב, מדר, חנן, חגג, דמם, גרר, גלל, נדר. In these instances the respective *plene* spelling is labelled "spaete Pleneschreibung." It might be interesting to investigate just how often a verb *primae laryngalis* or *mediae geminatae* is spelled *defective*, in conformity with B.-L.'s grammatical viewpoint.

## § 7. BIBLE EDITIONS ARE UNRELIABLE

It is true: grammatical studies do not center around the problem of the *matres lectionis* (though nothing is unimportant in a grammatical system!); but they offer a welcome opportunity to demonstrate this fundamental error which the grammarians make in setting up a theory first, and then doing their best to explain away the contradicting facts of the actual Bible text. In a somewhat better position are the respective editors of the Bible. Being grammarians first and foremost, they have their preconceived views as to what is correct, and then they emend the Bible to read accordingly. It is characteristic how this very criticism of ours is phrased approvingly by Bergstr. (§ 4b): "Da weiter bei Ben Chajim (scil. the second Biblia Rabbinica, edited as the first Masoretic Bible by Jacob ben Chayim, Venice 1524/5) Versehen und Abweichungen von seinem eigenen massoretischen Material nicht fehlen und die Handschriften und selbstaendigen Ausgaben vielfach in Einzelheiten vor allem der Vokalisation und Akzentuation, aber auch der Konsonanten von ihm abweichen, haben sich besonders S. Baer und D. Ginsburg um die genauere Herstellung des MT bemueht." Under "genauere Herstellung" we have to understand the removal of readings which run counter to *their* conception of Hebrew. And when B-L in their "Vorwort," p. vi, state that "als Bibeltext wurde die Ausgabe von Chr. D. Ginsburg, (London 1894) zugrunde gelegt," we realize that we are moving in a vicious circle. For in the course of my investigations in preparing this study I came even in Ginsburg's edition across an astounding number of such premeditated changes of the same type as pointed out before. Paul Kahle put it rather mildly when he remarked on that edition that "im wesentlichen den Text des Jakob ben Hayim druckt ab Chr. D. Ginsburg" (B-L, p. 90). It seems to me that "essentially"

this edition does not represent Jacob ben Chayim's Bible. A few examples, picked at random, will illustrate characteristic deviations. I put in juxtaposition Ginsburg's reading (left) and that offered in the Venice 1524/5 edition (right).

The readings from the Venice 1524/5 edition I vocalized only partly so as to bring the variant into sharp relief:

Gen. 28.18:	וִיצַק-וִיצַק	Ps. 5.5:	אַתָּה-אַתָּה
Lev. 14.56:	וּלְשֹׂאת-וּלְשֹׂאת	Ezra 8.30:	מִשְׁקֶל-מִשְׁקֶל
Deut. 1.25:	דָּבָר-דָּבָר	1 Ki. 1.1:	יָחֵם-יָחֵם
Ps. 20.6:	נִרְנָה-נִרְנָה	Eccl. 2.7:	מִקְנֶה-מִקְנֶה
		2 Sam. 15.13:	לֵב-לֵב
Deut. 1.41:	וּתְחַגְּרוּ-וּתְחַגְּרוּ		
Ps. 2.1:	יִהְיוּ-יִהְיוּ	Ps. 10.8:	בְּמִאָּרֶב-בְּמִאָּרֶב
1 Ki. 1.17:	בִּיהוּה-בִּיהוּה	Ps. 10.8:	לְחֹטוֹף-לְחֹטוֹף
Ps. 68.29:	עוֹהָ-עוֹהָ	Ps. 10.8:	יְחֹטוֹף-יְחֹטוֹף
	Ex. 15.2:		עֹזִי-עֹזִי
	Isa. 63.15:		קָדֵשׁ-קָדֵשׁ
	2 Ki. 10.19:		בְּעֶקֶבָה-בְּעֶקֶבָה
	2 Sam. 14.25:		קִדְקִדּוֹ-קִדְקִדּוֹ
	Jer. 31.32:		אֶכְתָּבָה-אֶכְתָּבָה

In order not to get caught in this trap myself, I strictly refrained from referring to any of the current editions of the Masoretic Bible, but relied on Jacob ben Chayim's Bible solely.

## § 8. THE PROBLEM STILL STANDS

In denouncing the validity of Rule II while formulating his own solution of the problem of Hebrew phonology, Bergstraesser has got himself entangled in a new difficulty: Granted that "saemtliche Vokalzeichen koennen an sich *lange oder kurze Vokale*

bezeichnen" (cf. § 4c), why, then, this constant change of vowel-signs, when in the course of declension a closed syllable becomes open, and vice versa? Why not say מְתָ-כָּ-נָּת = מְתָנָּת with a long ֿ in כָּ, while in the closed syllable, but still with ֿ as מְתָנָּתוּ = מְתָ-כָּ-נָּתוּ explain this ֿ as short? Similarly: בְּחָמָּלָּת = חָמָּל-בְּחָמָּל with short ֿ, and חָמָּל-בְּחָמָּל = חָמָּל-בְּחָמָּל with long ֿ? This would be strictly in keeping with Bergstraesser's own definition "ob ein Vokal lang oder kurz ist, haengt von der Wortform ab und ist aus der Schreibung zunaechst nicht zu ersehen"! But the facts speak an entirely different language: It is solely the change in the "Schreibung" of the vowel-signs: whether ֿ or ֿ; ֿ or ֿ; ֿ or ֿ that lead to the basic concept of dividing them into short and long vowels, respectively. What other explanation could be advanced for this change?

Our critical analysis shows that the theories hitherto offered in order to combine the basic laws of the Tiberian Phonology into a system, are a complete failure. The patchwork of modern scholarship is no sufficient support to prevent this basically medieval building from collapsing.

### § 9. A NEW APPROACH

Our own method (which has already stood its test in a similar investigation, cf. New Testament and Septuagint, *JBL* 1940, p. 209) does not consist in an attempt to reconcile old statements concerning the facts, but in a new and unbiased examination of the facts themselves. We approach this our task unburdened by any preconceived theories, and we risk no ventures at changing the vocalization of the Bible text in order to prove our point by suppressing those instances which contradict it. On the contrary: we let the Bible prove its own point, and limit ourselves to grouping and classifying the evidence from the Bible. *We take*



*nothing for granted*, neither the basic laws, nor even the presuppositions upon which they rest. To mention only one of these presuppositions: In dividing the vowel-signs into three groups (§ 1), we follow their present-day pronunciation; but what are "Die Quellen unserer Kenntnisse (sic! read the singular: Kenntnis) der Aussprache des Hebraeischen"? (cf. B-L § 10, chapter C). B-L have to admit that "es liegt auf der Hand, dass uns keine dieser Quellen, weder in bezug auf Zuverlaessigkeit noch auf Vollstaendigkeit, befriedigen kann" (§ 10 b'); Bergstraesser (cf. § 4: Quellen) fails even to realize the existence of this problem!

We do hope that the internal evidence of the Bible will prove not only a more suitable basis for a grammatical treatment of Hebrew phonology than the present-day pronunciation of Hebrew by the Jews in their various countries (cf. B-L. § 10C), but that the results obtained will be more satisfactory, too.

Our procedure will be to discuss point by point the vowel-signs and the laws governing their application, so as to arrive at certain conclusions with regard to the nature of the vowels themselves which these vowel-signs represent.

## B. THE VOWEL-SIGNS AND THE VOWELS

### § 10. THE TIBERIAN VOWEL-SIGNS

The Tiberian Vocalization System employs the following 13 signs: (1)  $\text{◌ְ}$ ; (2)  $\text{◌ֹ}$ ; (3)  $\text{◌ֻ}$ ; (4)  $\text{◌ִ}$ ; (5)  $\text{◌ֶ}$ ; (6)  $\text{◌ֵ}$ ; (7)  $\text{◌ִּ}$ ; (8)  $\text{◌ִּֿ}$ ; (9)  $\text{◌ִּֿֿ}$ ; (10)  $\text{◌ִּֿֿֿ}$ ; (11)  $\text{◌ִּֿֿֿֿ}$ ; (12)  $\text{◌ִּֿֿֿֿֿ}$ ; (13)  $\text{◌ִּֿֿֿֿֿֿ}$  (dot within the letter). We shall now investigate the laws governing their application and the vowels which they indicate.

#### I. *The Dagesh*

For reasons of practical utility an effort is being made here to treat separately — as far as possible — the so-called *dagesh lene* and *dagesh forte*. This way of arranging our evidence is chosen

merely to avoid confusing the student of Hebrew grammar, but does not at all anticipate our acceptance of these grammatical terms and the connotations they carry.

The following classification proves that the *dagesh* is applied inconsistently (cf. HPT § 43).

a) *Dagesh Lene*

§ 11. CONSTRUCT INFINITIVE WITH PREPOSITION ל

Num. 4.23: לְצַבֵּא	Jer. 11.19: לְטַבֵּחַ
Isa. 31.4: לְצַבֵּא	Isa. 57.7: לְזַבֵּחַ
Num. 21.4: לְסַבֵּב	Jer. 47.4: לְשַׁדּוֹר
Gen. 49.15: לְסַבֵּל	Jer. 16.5: לְסַפּוֹד
Isa. 33.1: לְבַגֵּד	Jer. 1.10: לְנָתוּשׁ
Gen. 28.20: לְלַבֵּשׁ	Jer. 51.49: לְנַפֵּל
2 Chron. 34.10: לְבַדּוֹק	Jer. 1.10: וְלְנָתוּץ
1 Chron. 16.33: לְשַׁפּוֹט	Jer. 19.11: לְקַבּוֹר
	2 Sam. 7.23: לְפַדּוֹת
	2 Sam. 3.34: לְבַכּוֹת

§ 12. CONSTRUCT INFINITIVE WITH PREPOSITIONS ב AND כ

Isa. 30.25: בְּנַפֵּל	Eccl. 12.4: בְּשַׁפֵּל	2 Sam. 17.9: כְּנַפֵּל
Gen. 35.22: בְּשֹׁכֵן	Ezek. 17.17: בְּשַׁפֵּךְ	Jer. 17.2: כְּזֹכֵר

§ 13. THE IDENTICAL VERB IN THE CONSTRUCT INFINITIVE  
WITH DIFFERENT PREPOSITIONS

a) *dagesh lene* is inserted throughout

Gen. 35.22: בְּשֹׁכֵן	Ezek. 17.17: בְּשַׁפֵּךְ
Num. 9.22: לְשֹׁכֵן	Ezek. 20.8: לְשַׁפֵּךְ
	Jer. 17.2: כְּזֹכֵר
	Gen. 9.16: לְזֹכֵר

β) Only forms with the preposition ל get the *dagesh*

Ps. 87.6: בְּחַוֹּב Isa. 30.25: בְּנִפְל

Deut. 31.24: לְכַחַב Jer. 51.49: לְנִפְל

1 Ki. 1.21: כְּשֹׁכֵב

Gen. 34.7: לְשֹׁכֵב

#### § 14. DIFFERENT VERBS WITH DIFFERENT PREPOSITIONS

Prov. 29.2: בְּרִבּוֹת Ps. 103.11: כְּנֹבֶה

Num. 20.5: לְשִׁחוֹת Isa. 45.1: לְפַחַח

#### § 15. CONSTRUCT INFINITIVE WITH SUFFIXES

α) The identical verb with different suffixes

2 Sam. 10.3: וּלְהַפְכָּה Ruth 3.4: בְּשֹׁכְבוֹ

Gen. 19.21: הִפְכִּי Prov. 6.22: בְּשֹׁכְבֶךָ

β) Different verbs with identical suffixes

Ex. 32.34: פָּקְדִי 1 Sam. 13.1: בְּמָלְכוֹ

Gen. 19.21: הִפְכִּי Ex. 12.27: בְּנִגְפוֹ

Prov. 28.28: וּבְאַבְדָּם

Hos. 7.6: בְּאֶרְבָּם

Job 39.9: עָבְדֶךָ Jer. 2.17: עֲזַבְךָ

Ezek. 9.8: בְּשִׁפְכֶךָ Deut. 16.13: בְּאַסְפֶּךָ

Gen. 19.33: בְּשֹׁכְבָהּ

Ruth 2.7: שְׁבַתָּהּ

γ) Different verbs and different suffixes

Deut. 11.4: בְּרָדְפָם

Lev. 23.39: בְּאַסְפָּכֶם

## § 16. IMPERATIVE

Jer. 12.9 אָסְפוּ

Thr. 2.19: שְׁפָכִי

Jer. 10.17: אָסְפִי

Isa. 47.2: חֲשָׁפִי

## § 17. IMPERFECT (WITH SUFFIXES)

Jer. 17.11: יַעֲזָבֵנִי

1 Sam. 8.8: וַיַּעֲזָבוּ

2 Ki. 10.18: וַיַּעֲבֹדֵנִי

1 Sam. 25.12: וַיַּחֲכֹכוּ

1 Sam. 5.8: וַיֹּאסְפוּ

1 Sam. 8.8: וַיַּעֲזֹבֵנִי

§ 18. MISPLACED *dagesh* WITH VERBS

1 Sam. 4.18: בָּהִין פִּירוֹ

Ps. 122.3: שָׁחַבְרָה

Ex. 2.3: הִצְפִּינוּ

Ezek. 22.24: נִשְׁמָה

## § 19. THE NOUN IN THE ABSOLUTE STATE

## α) The identical noun

Isa. 54.12: בָּרָכָר

Ezek. 42.3: רָצְפָה

Ezek. 27.16: וְכִדְכָד

Isa. 6.6: רָצְפָה

Lev. 1.2: קָרְבָן

Ezra 8.27: לְאֹדְרָכָנִים

Ezek. 40.43: הַקָּרְבָן

1 Chron. 29.7: וְאֹדְרָכָנִים

## β) Different nouns

Eccl. 11.10: הַיְלָדוֹת

2 Ki. 10.19: בָּעֶקֶבָה

1 Sam. 20.30: הַמְרָדוֹת

Isa. 64.10: לְחֶרֶבָה\*

\* On *hatef kames* as the earlier form of *kames hatuf* cf. later §81.

## § 20. THE NOUN IN THE ABSOLUTE STATE

WITH MISPLACED *dagesh*

Ex. 25.8: מִקְדָּשׁ

Ex. 15.17: מִקְדָּשׁ

## § 21. THE NOUN IN THE CONSTRUCT STATE SINGULAR

a) The masculine noun

Est. 8.6: בְּאֶבְרֹן

Lev. 23.27: לְקִרְבָּן

β) The feminine noun

Ps. 18.12: הַשֹּׁכֶת

Ex. 16.13: שֹׁכֶת

Isa. 58.2: קִרְבַּת

Ps. 22.7: הַרְפֹּת

Gen. 28.4: בְּרַכַּת

1 Ki. 1.38: פְּרִדַּת

Est. 1.6: רְצַפַּת

Deut. 16.10: נִדְבַת

1 Sam. 9.20: חֲמֻדַּת

Prov. 29.25: חֲרֻדַּת

## § 22. THE NOUN IN THE SINGULAR WITH SUFFIXES

a) The masculine noun

Ezra 9.3: בְּגָדֵי

Dan. 8.18: עֲמָדֵי

Isa. 37.24: רִכְבֵּי

Job 29.4: חֲרָפִי

Deut. 16.13: וּמִיִּקְבֵּךְ

Dan. 10.11: עֲמָדֶךָ

Deut. 13.6: מִקְרָבֶךָ

Isa. 14.3: מַעֲצָבֶךָ

Gen. 39.12: בְּגָדָיו

2 Chron. 30.16: עֲמָדָם

Ex. 12.9: קִרְבּוֹ

Neh. 9.16: עֲרָפָם

β) The feminine noun

Gen. 27.36: בְּרַכָּתִי

Gen. 49.13: וַיִּרְכָּתוּ

Jer. 12.10: חֲמֻדָּתִי

Jer. 5.16: אֲשַׁפְתּוּ

## § 23. THE NOUN IN THE CONSTRUCT STATE PLURAL

## α) The masculine noun

Isa. 55.3: חֲסֵדִי	Ps. 1.3: פִּלְגִי
Isa. 63.7: חֲסֵדִי	Ezek. 17.9: טֶרֶפִי

Ps. 76.4: רִשְׁפִי	Cant. 1.9: בִּרְכָבִי	Jona. 2.7: לִקְצֵבִי
Cant. 8.6: רִשְׁפִי	Isa. 5.10: צִמְדִי	Josh. 2.6: בְּפִשְׁתִּי

## β) The feminine noun

Josh. 5.2: חֲרָבוֹת	Josh. 4.13: עֲרָבוֹת
Josh. 12.3: אֲשֵׁדוֹת	1 Sam. 2.8: מֵאֲשָׁפוֹת
Ezek. 40.44: לְשִׁכוֹת	
Ps. 69.10: וְחֲרָפוֹת	

## γ) Both combined

Isa. 52.9: חֲרָבוֹת
Micah 7.1: בְּאֲסָפִי

## § 24. THE NOUN IN THE CONSTRUCT STATE PLURAL

WITH MISPLACED *dagesh*

## α) The masculine noun

Ezek. 3.5: וְכִבְדִּי	Job 21.33: רִנְבִי
Gen. 49.27: עֲקֵבִי	Deut. 32.32: עֲנִבִי

## β) The feminine noun

Ezek. 41.26: בְּתַפּוֹת	Ex. 27.19: יְתֵרֶת
Prov. 27.25: עֲשׂוֹבוֹת	Ps. 89.52: עֲקָבוֹת



## § 25. DUAL-FORMS

Judg. 7.6: בִּרְכָהֶם	Ex. 26.23: בִּירְכֶתִּים
Gen. 50.23: בִּרְכִּי	Judg. 19.18: יִרְכְּתִי

## § 26. PLURAL-FORMS (WITH SUFFIXES)

Deut. 7.24: מְלִכֵּיהֶם	Num. 8.7: בְּנֵדִיָּהֶם
Gen. 42.25: כֶּסֶףֵיהֶם	Isa. 41.29: נִסְכֵּיהֶם
Prov. 7.16: מְרַבִּדִים	
Cant. 5.16: מִמְתָּקִים	

§ 27. THE NOUN IN THE PLURAL WITH MISPLACED *dagesh*

Neh. 3.1: דִּלְחָתָיו	Jonah 4.11: מְשִׁתִּים
Isa. 5.28: קִשְׁחָתָיו	Judg. 16.28: מְשִׁתִּי

b) *Dagesh Forte*

## § 28. THE IDENTICAL VERB IN THE IDENTICAL FORM

Prov. 31.19: שִׁלְחָה	Jer. 34.11: שִׁלְחוּ
Ezek. 31.4: שִׁלְחָה	Ps. 74.7: שִׁלְחוּ
Ps. 18.3: וּמַפְלִטִי	1 Chron. 23.5: וּמַהֲלִילִים
2 Sam. 22.2: וּמַפְלִטִי	1 Chron. 29.13: וּמַהֲלִילִים

## § 29. THE IDENTICAL VERB IN DIFFERENT FORMS

1 Sam. 27.1: לְבַקְשָׁנִי	Jer. 29.7: וְהִתְפַּלְלוּ
1 Sam. 27.4: לְבַקְשׁוּ	Dan. 9.4: וְאֶתְפַּלְלָה

## § 30. DIFFERENT VERBS IN THE IDENTICAL FORM

## a) Imperfect

Ezek. 22.26: וַיַּחֲלֵלוּ	Jer. 6.14: וַיִּרְפְּאוּ
Gen. 12.15: וַיַּהֲלֵלוּ	Gen. 42.25: וַיִּמְלְאוּ
Isa. 10.6: אֲשַׁלְחֵנוּ	
Prov. 23.35: אֲבַקְשָׁנוּ	

## β) Perfect

Thr. 4.10: בָּשָׁלוּ

Thr. 1.19: בָּקְשׁוּ

## γ) Participle

Mal. 1.12: מַחֲלֵלִים Jer. 23.1: מַאֲבָדִים

1 Sam. 3.13: מַקְלֵלִים Jer. 38.16: מְבַקְשִׁים

2 Sam. 19.6: הַמְמַלְטִים

Zeph. 1.9: הַמְמַלְאִים

## § 31. NOMINAL FORMS

## α) Singular

Gen. 5.29: וַיַּעֲבֹן Gen. 3.16: עֲבֹנָךְ

Ezek. 21.11: בָּשָׁבְרוֹן Isa. 57.8: וְכִרְוֹנֶךָ

2 Sam. 7.21: הַגְּדוֹלָה Judg. 18.21: הַקְּבוּדָה

2 Sam. 19.37: הַגְּמוּלָה 1 Sam. 10.16: הַמְּלוֹכָה

## β) Plural

Lev. 23.38: שְׁבֻתָּת 2 Chron. 26.15: חֲשִׁבְנוֹת

Cant. 2.7: בְּאֵילוֹת Est. 6.1: הַזְּכָרֹנוֹת

## γ) Adjectives

Prov. 2.15: עֲקָשִׁים Isa. 56.10: אֱלָמִים

Ex. 23.8: פְּקָחִים Isa. 56.10: עֲרִים

## § 32. NOMINAL FORMS WITH THE ARTICLE

Eccl. 11.5: הַמְּלָאָה Gen. 41.7: וְהַמְּלֵאוֹת

Amos 2.13: הַמְּלֵאָה Isa. 51.20: הַמְּלֵאִים

Lev. 14.56: וְלִשְׁאֵת Ex. 28.34: הַמַּעִיל

Lev. 13.10: בְּשֵׁאֵת Isa. 59.17: בַּמַּעִיל

§ 33. MEANINGLESS *dagesh*

1 Sam. 20.26: מְקַרָּה	Eccl. 2.15: יְקַרְנִי
Deut. 23.11: מְקַרָּה	1 Sam. 28.10: יְקַרְדֵּךְ
Isa. 51.16: וְלִי־סֹד	
2 Chron. 31.7: לִי־סֹד	

§ 34. THE *mappik* ה

Num. 5.31: עֹנָה	Isa. 23.18: וְאַתְּנֶנָּה
Num. 15.31: עֹנָה	Isa. 23.17: לְאַתְּנֶנָּה
Ezek. 24.6: וְחָלְאַתָּה	Jer. 44.19: לָהּ
Ezek. 24.6: חָלְאַתָּה	Zech. 5.11: לָהּ

## § 35. GENERAL OBSERVATIONS

Throughout this chapter it was deemed advisable to deal with verbal and nominal forms in separate paragraphs. The reason for this procedure is that, inconsistently though the *dagesh* is applied, there is a consistent difference in its application to verbal or nominal forms respectively. While uncertainty prevails with regard to the *dagesh lene* in the syllable following a preposition בְּכָל with verbal forms (cf. §§ 11–14), corresponding *nominal forms never get it*; cf. Cant. 2.9: לְצָבִי; Isa. 13.14: בְּצָבִי; Zeph. 1.5: לְצָבָא; Jonah 2.4: בְּלִבִּי; 1 Ki. 11.4: בְּלִבִּי. *Dagesh forte*, on the other hand, is never inserted in the מְ of participle forms with the article of the pi'el and its derivatives (cf. § 32); cf. Zeph 1.9: הַמְמַלְאִים; 2 Chron. 32.31: הַמְשַׁלְחִים; Gen. 35.17: הַמְיַלְדֹת; Ex. 1.17: הַמְיַלְדֹת. Corresponding nominal forms, beginning with מְ, do have the *dagesh forte*: Ex. 25.31: הַמְנוֹרָה; 1 Ki. 7.49: הַמְנֹרוֹת; Deut. 12.9: הַמְנוֹחָה.

It is sometimes impossible to draw the dividing line between *dagesh lene* and *dagesh forte*. This is especially the case, when

so-called pausal forms are involved; cf. 1 Sam. 17.28:  $\text{יָרֵדְתָּ} = \text{יָרֵדְתָּ} - \text{יָרֵדְתָּ}$  with *dagesh lene* in ת; but ib.  $\text{יָרֵדְתָּ}$  (on the division into syllables see § 2), the ת has still a *dagesh*! Similarly cf. Ps. 102.5:  $\text{יָשָׁבְתִּי} = \text{יָשָׁבְתִּי} - \text{יָשָׁבְתִּי}$  and Ps. 119.61:  $\text{יָשָׁבְתִּי} = \text{יָשָׁבְתִּי} - \text{יָשָׁבְתִּי}$ ; Gen. 26.14:  $\text{רָבָה}$  (with *dagesh forte*) but Gen. 18.20:  $\text{רָבָה}$ , too; Hos. 6.9:  $\text{יָרָצְחוּ}$ , and Ps. 62.4:  $\text{יָרָצְחוּ}$ ; Ps. 104.35:  $\text{יָתַמוּ}$  and Ps. 102.28:  $\text{יָתַמוּ}$  (note the *dagesh* in מ!); Lev. 26.39:  $\text{יָמְקוּ} . . . \text{יָמְקוּ}$  (with *dagesh* in ק); Deut. 28.43:  $\text{מָטָה מָטָה}$ .

The terms “misplaced *dagesh*” (cf. §§ 18, 20, 24, 27) and “meaningless *dagesh*” (cf. § 33) which we introduced here, have been chosen solely in order to demonstrate more vividly the inapplicability of Rule VIII in § 1 so as to explain their existence.

## II. *Laryngals Without a Vowel*

### § 36. VOCALIZED WITH *hatef* OR *shewa*

a) Laryngals in medial position without a distinct vowel of their own have either *shewa* or a *hatef* (◌◌ or ◌◌). No rules can be formulated to indicate just when *shewa* and when a *hatef* should be applied. Instances like the following

Ex. 32.34:  $\text{יָחֲמֵן}$

Ezek. 8.8:  $\text{וְאֶחָדָם}$

Ex. 12.19:  $\text{מִחְמָצֵת}$

Ex. 22.1:  $\text{בְּמִחְתָּרֶת}$

Hos. 7.5:  $\text{הִחָלֹו}$

Ex. 23.25:  $\text{מִחֲלָה}$

might lead to formulating a theory that the laryngals in certain roots are treated as weak consonant and get a *hatef*, while in others they are considered as regular, sound consonants and receive a *shewa*; for in the examples shown above verb and nominal derivative are treated alike. But any such theory is without

foundation, as will be seen from the following examples of different treatment of

β) The identical form

Gen. 42.24: וַיֵּאָסֶר	Prov. 16.13: יֵאָהֵב
Gen. 46.29: וַיֵּאָסֶר	Prov. 15.9: יֵאָהֵב
Deut. 24.17: תִּחְבֹּל	Num. 30.3: לֵאָסֶר
Ex. 22.25: תִּחְבֹּל	Ps. 105.22: לֵאָסֶר
Josh. 8.9: הִמָּאָרֵב	Ps. 46.2: מִחָסָה
Judg. 9.35: הִמָּאָרֵב	Ps. 104.18: מִחָסָה

γ) Verb and its derivative noun

Threni 3.3: יִהְפֹּךְ	Judg. 9.5: נִחְבָּא
Deut. 29.22: כָּמְהַפֶּכֶת	Isa. 32.2: כָּמְחַבֵּא
Lev. 16.4: יִחְגֹּר	Isa. 10.7: יִחָשֵׁב
Isa. 3.24: מִחְגֶּרֶת	Jer. 18.11: מִחְשָׁבָה

δ) Inflected forms of the same root

Isa. 30.32: מַעְבֵּר	Hos. 9.6: מַחְמֵד
Isa. 10.29: מַעְבְּרָה	Cant. 5.16: מַחְמֵדִים
Isa. 29.15: בְּמַחְשָׁךְ	Gen. 2.9: נִחְמֵד
Ps. 88.7: בְּמַחְשָׁכִים	Ps. 19.11: הִנְחַמְדִּים

Ezek. 24.22: תַּעֲטוּ

Ps. 71.13: יַעֲטוּ

In order to solve this problem, we shall take up the discussion of the treatment of laryngals according to their position at the beginning, in the middle, or at the end of a word, with constant reference to respective forms in transliteration (cf. TRL) and in the Babylonian vocalization.

## § 37. THE LARYNGAL IN FINAL POSITION

α) Let us take  $\text{כָּרַךְ}$  and  $\text{כָּרַח}$  as examples for a sound verb and a verb *tertiaie*  $\text{כ}$  in the perfect. In Greek transliteration they sound:  $\zeta\alpha\chi\alpha\rho$  (cf. TRL § 1a) and  $\zeta\alpha\rho\alpha\epsilon$  (ib. § 1dβ), respectively. Dividing them into syllables, we get  $\text{כָּר}-\text{ךְ}=\zeta\alpha-\chi\alpha\rho$  and  $\text{כָּרַח}-\text{ח}=\zeta\alpha-\rho\alpha\epsilon$ . It thus becomes clear that ε in the second syllable of  $\zeta\alpha\rho\alpha\epsilon$  holds the same position as ρ in  $\zeta\alpha\chi\alpha\rho$ . In other words: ε is the equivalent of the consonantal value of  $\text{כ}$ , just as ρ indicates the  $\text{כ}$  in  $\text{זָכַר}$ . We now turn to the imperfect and select here  $\text{יִכְרֹךְ}$  and  $\text{יִכְרַח}$ , again as representing a sound verb and one *tertiaie*  $\text{כ}$ . These forms in transliteration are: *iegdal* (TRL § 7bα) and *iespae* (ib. § 7bβ). We again divide them into syllables:  $\text{יִכְר}-\text{ךְ}=\text{ieg}-\text{dal}$  and  $\text{יִכְרַח}-\text{ח}=\text{ies}-\text{pae}$ . The result is: ε holds the position of *l* as indicator of the third radical. Thus our conclusion is being confirmed: ε stands for the consonantal value of  $\text{כ}$ . In the very same way we shall now explain  $\text{פָּתַח}$   $\text{יִפְתָּח}$  (TRL s. v.  $\text{פָּתַח}$ ). Similarly, the ε in  $\text{יָדַע}$   $\text{יִדְעָה}$ ;  $\text{שָׁמַע}$   $\text{יִשְׁמָע}$  (TRL s. v.) corresponds to the consonantal value of  $\text{ע}$ .

β) The results of our findings thus far can be formulated as follows:  $\text{כ}$  and  $\text{ע}$  in final position and without a vowel of their own were pronounced like ε. These results are corroborated by the way in which the Babylonian Vocalization proceeds in such-like cases: cf. e. g. Job 13.9:  $\text{וַאֲנִי־עָנִיתִי}$ ; ib. 15.8:  $\text{חֲשָׁמְעִי}$ ; Ps. 94.13:  $\text{עָרַע}$  (MTK, 31); Job 4.16:  $\text{אֲשַׁמְעֶיךָ}$ ; ib. 9.29:  $\text{אֲרַשֶׁעִי}$  (MdO, 166). Consequently, forms like Ps. 94.1:  $\text{הוֹפִיעַ}$ ; ib. 95.2:  $\text{נָרִיעַ}$ ; Job 6.7:  $\text{לִגְנוֹעַ}$  in the Babylonian vocalization, or like  $\text{זָנוֹה}$  = *zanoe*;  $\text{מִזְבֵּחַ}$  = *μασβηη* (TRL, paragraph XXIII under  $\text{ח}$ );  $\text{יִפְּעַ}$  = *αφιε*;  $\text{שׁוֹעַ}$  = *sue* (ib. under  $\text{ע}$ ) in transliteration, must be explained in the same fashion: e, ε or “ represent the consonantal value of  $\text{כ}$  or  $\text{ע}$  in final position without vowel, and regardless of the vowel of the preceding syllable. The so-called *pataḥ furtivum* of the Tiberian vocalization we



.shall, therefore, explain as a remainder of this old way of pronouncing  $\Pi$  and  $\Upsilon$ . Its proper place in Hebrew grammar is in the paragraph dealing with the *pronunciation of the alphabet*, and *not* in connection with the *vocalization*.

### § 38. THE LARYNGAL IN INITIAL OR MEDIAL POSITION

a) We begin again with forms in transliteration; they are taken from *TRL* and can be traced there s. v.: The imperative-forms  $\text{אָרְאָ}$  and  $\text{וְאָרְאָ}$  in transliteration, divided into syllables, are  $\text{אָר}-\text{אָ}$  =  $\kappa\epsilon\rho\text{-ov}$  and  $\text{וְאָ}-\text{אָ}$  =  $\epsilon\epsilon\zeta\text{-ov}$ . (I had to divide the monosyllabic  $\text{וְאָ}$ , in order to bring into sharp relief its parallel features with  $\text{אָרְאָ}$ ). In  $\text{אָר}$  =  $\kappa\epsilon\rho$  we have the following order: consonant ( $\text{א} = \kappa$ ), vowel ( $\text{.} = \epsilon$ ) and consonant ( $\text{ר} = \rho$ ). Similarly in  $\text{וְאָ}$  =  $\epsilon\epsilon\zeta$ : consonant ( $\text{ו} = \epsilon$ ), vowel ( $\text{.} = \epsilon$ ) and consonant ( $\text{א} = \zeta$ ). The result of this equation is:  $\Pi$  in initial position =  $\epsilon$ .

As an instance for a laryngal in medial position we take  $\text{שָׁחַט}$  as compared with  $\text{חָטָא}$  (dividing them into syllables):  $\text{חָטָא}$  =  $\tau\alpha\mu\text{-vov}$ , and  $\text{שָׁחַט}$  =  $chae\text{-su}$ . In the case of the sound verb we have a consonant ( $\text{ח} = \tau$ ), vowel ( $\text{.} = \alpha$ ) and consonant ( $\text{ט} = \mu$ ). Similarly with the laryngal verb: a consonant ( $\text{ש} = ch$ ), vowel ( $\text{.} = a$ ) and a consonant ( $\text{ח} = e$ ):  $\Pi$  in medial position =  $e$ . Of nominal forms,  $\text{שָׁחַט}$  and  $\text{חָטָא}$  are both monosyllabic triconsonantal nouns (*TRL*, Grammar, XI). In transliteration:  $\kappa\alpha\sigma\theta$  and  $\lambda\alpha\epsilon\mu$ ; the second consonant  $\theta = \sigma$ , but  $\Pi = \epsilon$ . Similarly we shall explain  $\text{חָטָא}$  =  $\mu\epsilon\epsilon\text{-vov}$  as compared with  $\text{לָבַח}$  =  $\mu\epsilon\beta\text{-lou}$  ( $\text{ח} = \epsilon$ );  $\text{חָטָא}$  =  $\epsilon\epsilon\text{-zi-nu}$ , as compared with  $\text{חָטָא}$  =  $\epsilon\rho\text{-nu-vov}$  ( $\text{ח} = \epsilon$ ).  $\text{ח}$  and  $\text{ח} = \epsilon$ .

With the number of Hebrew words in transliteration so limited, it is not always possible to find a *tertium comparationis* which is satisfactory in every detail. We must feel content if, at least for the point under discussion, our example is adequate.

With this in mind, attention may be called to a few further examples: קִלִּי-קִלִּי =  $\epsilon\epsilon$ - $\lambda\iota\kappa$  as compared with קִלִּי-קִלִּי =  $\epsilon\rho$ - $\iota\mu$  ( $\kappa = \epsilon$ ); קִלִּי-קִלִּי =  $\epsilon\epsilon$ - $\zeta\epsilon\kappa$  as compared with קִלִּי-קִלִּי (= קִלִּי) =  $\epsilon\tau$ - $\tau\eta$  ( $\eta = \epsilon$ ); קִלִּי-קִלִּי =  $\nu\epsilon\epsilon$ - $\mu a\nu$  as compared with קִלִּי-קִלִּי =  $\nu\epsilon\beta$ - $a\lambda$  ( $\lambda = \epsilon$ ).

β) In the Babylonian vocalization the sign  $\text{𐤀}$  is employed to indicate the consonantal value of the laryngal. We emphasize that corresponding forms of sound roots have no vowel-sign at all: Judg. 16.15: אֶהְבֵּתִיךָ = אֶהְבֵּתִיךָ (*MdO*, 184); Job 36.13: אֶסְרֶם = אֶסְרֶם; Cant. 1.4: אֶהְבֹּךְ = אֶהְבֹּךְ; Ps. 22.2: עֹזְבֹתַי = עֹזְבֹתַי; 2 Chron. 13.11: עֹזְבֹתָם = עֹזְבֹתָם; Prov. 31.18: טַעֲמָה = טַעֲמָה; Eccl. 2.10: שָׂאֵלִי = שָׂאֵלִי (all instances from *MTK*, 52); 1 Chron. 29.17: וַיִּדְעֵתִי = וַיִּדְעֵתִי; Deut. 9.23: שְׂמַעְתָּם = שְׂמַעְתָּם (*MdO*, 184); Isa. 48.6: יִדְעֹתָם = יִדְעֹתָם (*MdO*, 199).

### § 39. CONCLUSIONS

The Laryngals are transliterated by  $\epsilon$ ; correspondingly, the Babylonian vocalization has the equivalent sign  $\text{𐤀}$ . In the Tiberian vocalization a *pataḥ* under the laryngals  $\text{𐤀}$  and  $\text{𐤁}$  in final position is still preserved, the so-called *pataḥ furtivum*, except when the preceding vowel is an *a*. In initial and medial position the Tiberian vocalization uses arbitrarily *pataḥ* or *segol*, both of which correspond to Babylonian  $\text{𐤀}$ , so that this fact might be taken as an indication of the dependence of the Tiberian system upon the Babylonian. In these cases, *pataḥ* or *segol* are not indicating vowels, but solely the consonantal value of the respective laryngal. As corresponding forms of sound roots prove, these laryngals have no vowel of their own. In keeping with the system of the Tiberian vocalization, this absence of a vowel is indicated by a *shewa*. By this combination originate the *ḥatefs*:  $\text{𐤀}$  and  $\text{𐤁}$ . These combined signs (though the components were meant to

serve different purposes) were misunderstood for *hatefs* before the introduction of the *dagesh*; hence we find the so-called *dagesh lene* after a laryngal with a *shewa*, but never after a laryngal with a *hatef*.

The tradition as to whether to put a  $\text{ֿ}$  or  $\text{ּ}$  is fluctuating; cf. construct infinitive of  $\text{אמר}$  in Prov. 25.7:  $\text{אָמַר}$  and Ezek. 25.8:  $\text{אָמַר}$ ; further in the edition Venice 1515/17: Jer. 13.21:  $\text{יֵאָחֳזֵךְ}$  (=MT), marg:  $\text{יֵאֲחֳזֵךְ}$ ; ib. 31.25:  $\text{הִקְיִצְתִּי}$  (=MT), marg:  $\text{הִקְיִצְתִּי}$ ; Ezek. 11.16:  $\text{הִפְיִצְתִּים}$  (=MT), marg:  $\text{הִפְיִצְו}$ ; Ps. 53.6:  $\text{הִבְשׁוּתָהּ}$ , marg:  $\text{הִבְיִשְׁתָּ}$  (=MT); 2 Chron. 28.27:  $\text{הִבְיִאָהוּ}$ , marg:  $\text{הִבְיִאוּהוּ}$  (=MT).

*Hatefs* under sound consonants are of a different origin; they represent a combination of the vowel  $\text{ֿ}$  and of  $\text{ֿ}$ ; cf. e.g., Jer. 31.32:  $\text{אֲכַתְּבֶנָּה}$  and Ezra 8.26:  $\text{וְאֲשַׁקְלָהּ}$ . Here two readings are combined:  $\text{אֲכַתְּבֶנָּה}$  and  $\text{וְאֲשַׁקְלָהּ}$ , with  $\text{אֲכַתְּבֶנָּה}$  and  $\text{וְאֲשַׁקְלָהּ}$ : imperfect in *a* with preservation of the second vowel, cf. TRL, paragraph XXIX A 1; HPT § 59. Forms with imperfect both in *o* and *a*, cf. HPT note 118, and Mal. 2.15:  $\text{בְּגִדֶּךָ}$  as compared with ib. verse 10:  $\text{בְּגִדֶּךָ}$ ; Micah 3.11:  $\text{קִסְמוֹ}$  as compared with Ezek. 13.23:  $\text{תִּקְסְמֶנָּה}$ .

These cases have, therefore, no place in a phonology but belong to that part of Hebrew grammar which deals with the morphology.

The  $\text{ֿ}$  will be discussed in § 81.

### III. Accentuation and Vocalization

In the current Hebrew grammars it is taken for granted that amongst the factors which influence the vocalization, the accent plays an important role: according to its being conjunctive or disjunctive, the word thus accentuated changes from the context- to the pausal-form. (cf. Bergstr. § 29a). We shall prove the

fallacy of this axiom by showing that both the so-called context-form and the so-called pausal-form are used in connection with the very same accents:

#### § 40. THE סוף פסוק

1 Ki. 4.6: הַמָּס	Jer. 52.24: הַסָּף
1 Ki. 5.28: הַמָּס	2 Ki. 25.18: הַסָּף
Neh. 5.14: אֶכְלֹתִי	Ps. 78.10: לֶלְכֶת
Gen. 31.38: אֶכְלֹתִי	Eccl. 1.7: לֶלְכֶת

#### § 41. THE אתנח

Isa. 33.11: קֶשׁ	Job 3.4: מִמַּעַל	
Joel 2.5: קֶשׁ	Job 31.2: מִמַּעַל	
Job 3.9: וְאִין	Ps. 66.12: וּבְמִים	
Prov. 14.6: וְאִין	Neh. 13.2: וּבְמִים	
Prov. 23.5: כְּנַפִּים	Ps. 148.1: הַשָּׁמַיִם	
Isa. 18.1: כְּנַפִּים	Ps. 148.4: הַשָּׁמַיִם	
Ps. 27.2: חִי	Ps. 69.4: עֵינַי	Ps. 31.14: עָלַי
Ps. 7.6: חִי	Ps. 77.5: עֵינַי	Ps. 86.13: עָלַי
Ps. 129.1: מִנְעוּרִי	Ps. 142.7: מִרְדָּפִי	
Ps. 129.2: מִנְעוּרִי	Ps. 35.3: רִדָּפִי	
Job 9.22: אֶמְרֹתִי	Ps. 35.15: יְדַעְתִּי	
Ps. 40.11: אֶמְרֹתִי	Hos. 8.4: יְדַעְתִּי	
Ps. 2.7: אֶתָּה	Job 41.8: יִנָּשׁוּ	
Ps. 5.5: אֶתָּה	Ex. 24.2: יִנָּשׁוּ	

Ps. 35.20: אָרֶץ

Ps. 50.23: דָּרֶךְ

Ps. 68.14: בִּבְסֶף

Ps. 37.22: אָרֶץ

Ps. 89.42: דָּרֶךְ

Deut. 21.14: בִּבְסֶף

Ps. 14.4: לָהֶם

Ps. 35.19: שָׁקָר

Prov. 12.11: לָהֶם

Prov. 6.17: שָׁקָר

Ps. 45.6: יִפְּלוּ

Ps. 119.65: עֲבָדֶךָ

Ezek. 32.20: יִפְּלוּ

Ps. 119.84: עֲבָדֶךָ

Judg. 13.14: תֹּאכַל

2 Sam. 22.9: תֹּאכַל

## § 42. סוף פסוק AND אֶתְנַח

These two accents rank equally high and may, therefore, be combined in our discussion.

Prov. 30.16: מַיִם

Ps. 35.1: יְרִיבִי

Prov. 25.21: מַיִם

Jer. 18.19: יְרִיבִי

Job 42.6: וְנִחַמְתִּי

Ps. 26.1: הִלַּכְתִּי

Zech. 8.14: נִחַמְתִּי

Judg. 4.8: וְהִלַּכְתִּי

Josh. 1.6: וְאַמֵּץ

Ezek. 19.4: נִתְפַּשׁ

Josh. 1.18: וְאַמֵּץ

Ezek. 19.8: נִתְפַּשׁ

Micah 6.10: רָשָׁע

Eccl. 3.16: הָרָשָׁע

Ps. 48.5: נִוְעָדוּ

Ps. 18.13: עָבְרוּ

Amos 3.3: נִוְעָדוּ

Ps. 42.8: עָבְרוּ

## § 43. זקף קטון THE

Jonah 3.6: שָׁק

Deut. 31.12: וְהִטָּף

Amos 8.10: שָׁק

Jer. 40.7: וְטָף

Jer. 46.6: הִקָּל

Amos 2.14: מִקָּל

Lev. 18.19: תִּקְרֹב

Gen. 32.12: וְהִכְנִי

Lev. 18.14: תִּקְרֹב

1 Sam. 17.9: וְהִכְנִי

2 Ki. 13.12: נִלְחָם

2 Ki. 14.28: נִלְחָם

Gen. 1.10: אֶרֶץ

Josh. 10.33: גִּזְרֹ

Deut. 32.13: אֶרֶץ

1 Ki. 9.17: גִּזְרֹ

Isa. 49.6: עָבַד

Ex. 28.7: אָבֵן

Gen. 44.10: עָבַד

Gen. 11.3: לְאָבֵן

1 Ki. 7.38: הָאֶחָת

1 Ki. 7.17: הָאֶחָת

2 Ki. 2.7: הִלְכוּ

Ex. 40.37: יָסְעוּ

Jer. 50.6: הִלְכוּ

Num. 2.17: יָסְעוּ

2 Sam. 2.13: יִצְאוּ

2 Chron. 30.11: נִכְנְעוּ

Josh. 2.5: יִצְאוּ

2 Chron. 12.7: נִכְנְעוּ

1 Sam. 1.16: אֶמְתָּךְ

Isa. 64.3: וּלְתֶךְ

1 Sam. 1.11: אֶמְתָּךְ

2 Sam. 7.22: וּלְתֶךְ

Ex. 23.33: בְּאֶרְצְךָ

Jer. 12.12: אֶקְלֶה

Deut. 2.27: בְּאֶרְצְךָ

Isa. 33.14: אוֹכְלֶה

It is worth-while noting that זִקְף קטן is here never affixed to a letter with a *shewa* (but to the following one with a full vowel), while אֶתְנַח, though being considered as of much higher disjunctive value, frequently appeared thus in §§ 41 and 42.

#### § 44. THE טפחא

Ex. 12.38: רָב

Micah 5.7: וְטָרַף

Num. 21.6: רָב

Hos. 6.1: טָרַף

1 Ki. 5.19: הִבִּית

2 Chron. 17.17: חִיל

1 Ki. 5.31: הִבִּית

2 Chron. 25.6: חִיל



2 Chron. 7.15: וְאֶנִּי                      Num. 9.6: הִפְסֹחַ

Isa. 5.9:                      בְּאֶזְנִי                      Num. 9.2: הִפְסֹחַ

Gen. 7.1: בִּיתְחָךְ

Deut. 6.9: בִּיתְחָךְ

#### § 45. THE רביע

Ps. 22.30: אֶרֶץ                      Job 14.14: נֶזֶר

Ps. 44.4: אֶרֶץ                      Ps. 128.4: נֶזֶר

Judg. 7.5: הִפְלֹב                      Job 29.11: רְאִתָּה

Ps. 59.7: כִּפְלֹב                      Isa. 64.3: רְאִתָּה

#### § 46. THE עולה ויורד

Ps. 42.12: עָלִי

Ps. 43.5: עָלִי

#### § 47. CONJUNCTIVE ACCENTS

##### a) מונח

Deut. 28.22: יִכְבֶּה                      Isa. 58.1: הָרָם

Jer. 40.15: יִכְבֶּה                      2 Ki. 6.7: הָרָם

##### β) מירכא

Ps. 82.4: דָּל                      Ex. 21.12: מִבָּה

Ps. 82.3: דָּל                      Ex. 2.11: מִבָּה

##### γ) אזלא

Gen. 32.33: יֹאכְלוּ                      Cant. 3.4: כְּמַעֲט

Isa. 65.13: יֹאכְלוּ                      2 Chron. 12.7: כְּמַעֲט

## § 48. CONCLUSIONS

The vocalization of a word is independent of the kind of an accent it carries. We shall, therefore, disregard the accentuation henceforth and pay attention solely to the position of the words in question within the syntactic structure of the respective sentences, where they are found. *Consequently, the so-called pausal-forms will be a limine excluded from discussion in the following paragraphs*, the scope of which is to demonstrate the vocalic value of the vowel-signs on so-called context-forms only.

IV. *Our New Approach Based Upon the Inductive Method*

## § 49. EVIDENCE FROM THE PALESTINIAN VOCALIZATION

In § 9 we stated that we are going to base our conclusions with regard to the phonetic value of the vowel-signs solely on internal evidence from the Bible itself. We now wish to illustrate this method of ours with a few examples which, because they are taken from a non-Masoretic source, will serve so much better to clarify the issue. These examples are derived from Biblical passages with Palestinian vocalization which occur in the *piut*-texts published by Paul Kahle in his MdW I. These passages — as well as all further references to Hebrew in Palestinian vocalization in general — can be located there with the help of the index on p. 84/5.

Ps. 139.2: אֶתֶּה	Isa. 29.4: וְהִיָּה
Jer. 3.32: אֶתֶּה	Isa. 32.15: וְהִיָּה
Job 10.20: מַעֲטִי	Isa. 4.5: וּבִרְאֵי
Job 10.20: מַעֲטִי	Hag. 3.6: רֹאֵה
Isa. 49.6: לְהָשִׁיב	Isa. 44.26: דְּבַר (עֲבָדוֹ)
Prov. 22.21: לְהָשִׁיב	Isa. 40.8: וְדְבַר (אִינוֹ)

We see here two occurrences of either the identical word, a noun in the identical position (construct state), or two verbs of the same class; their *a*-vowels are interchangeably indicated once by the sign ' and once by -. Upon this observation we now base our conclusion: *In the Palestinian vocalization there are two vowel-signs, ' and -, to indicate the identical vowel a. The external shape of the vowel-sign employed in a given case does not lend itself to determine the quality or quantity of the a.*

Projecting this result on the Tiberian vocalization under examination, we state: In case we are able to point to instances where the identical word in the identical position within the syntactic structure of the respective sentence — thus excluding e. g. a comparison between a nominal form in the absolute state and the construct state, or of a form with a *maḳḳeph* and another one, which lacks this sign (pausal-forms are excluded a limine, cf. § 48), — is vocalized in two different ways, these two different ways of vocalization are nothing else but the two possibilities of expressing one and the same vowel. Thus, if we should see a word vocalized — under the conditions just mentioned — once with ◌◌ and another time with ◌◌, or with ◌◌ and ◌◌, ' and ◌◌ respectively, we would say: ◌◌ and ◌◌ both indicate *a*, ◌◌ and ◌◌ *i*, ◌◌ and ◌◌ *o(u)*; and the way a given word is vocalized (with ◌◌ or ◌◌; ◌◌ or ◌◌; ' or ◌◌) does in itself not prove anything as to the quantity or quality of these respective vowels. Their indiscriminate use proves that, at the time of their application to the words in question, they were considered two ways of achieving one and the same goal: the indicating of the respective vowel. Their present-day pronunciation by the Jews in the various countries, which forms the basis of the Hebrew phonology in the current Hebrew grammars (cf. § 9), is of no consequence. This merely reflects the later historic development of the original Hebrew vowels, but in no way the Hebrew vowels themselves.

V. *The Vowel a: - or -*

## § 50. BICONSONANTAL NOUNS

Lev. 6.3: בָּדַר	Amos 5.11: בָּרַד	2 Sam. 13.4: דָּל
Ex. 28.42: בָּדַר	Gen. 45.23: בָּרַד	Lev. 19.15: דָּל
Isa. 18.4: טָל	Jer. 41.16: וְטָף	Ezek. 21.3: לַח
Cant. 5.2: טָל	Jer. 40.7: וְטָף	Ezek. 17.24: לַח
Ezek. 3.14: מָר	Num. 22.5: עָם	Num. 29.36: פָּר
Jer. 4.18: מָר	Num. 23.24: עָם	Num. 23.2: פָּר
Num. 10.9: הָצָר	Ex. 12.38: רָב	Gen. 41.21: רָע
Est. 7.4: הָצָר	Num. 21.6: רָב	Deut. 22.19: רָע
	Gen. 37.34: שָׁק	
	Lev. 11.32: שָׁק	

## § 51. TRICONSONANTAL NOUNS

Ezek. 26.10: פָּרַשׁ	Num. 28.10: שִׁבַּת
Jer. 4.29: פָּרַשׁ	Isa. 66.23: שִׁבַּת
Josh. 14.2: בְּגוּרָל	Ps. 53.6: פָּחַד
Num. 26.55: בְּגוּרָל	Ps. 53.6: פָּחַד

## § 52. VERBAL FORMS

Job 20.19: נָזַל	1 Ki. 3.28: שָׁפַט
Lev. 5.23: נָזַל	1 Sam. 7.17: שָׁפַט
Gen. 10.25: יָלַד	Gen. 43.12: הִמּוּשָׁב
Gen. 41.50: יָלַד	Num. 5.8: הִמּוּשָׁב

## § 53. BEFORE A LARYNGAL

Deut. 27.8: בָּאָר	Jer. 29.23: וַיִּנְאָפוּ
Hab. 2.2: וּבָאָר	Hos. 4.13: הִנְאָפְנָה

Jer. 23.17: לְמִנְאֲצִי	Neh. 10.35: לְבָעַר
Num. 14.23: מְנַאֲצִי	Isa. 44.15: לְבָעַר
Deut. 23.8: תִּתְעַב	Micah 3.9: הִמְתַּעְבִּים
Ps. 5.7: יִתְעַב	Isa. 49.7: לְהִתְעַב
Ex. 21.35: הִחִי	1 Sam. 16.7: לְעֵינַיִם
Gen. 6.19: הִחִי	Gen. 3.6: לְעֵינַיִם

Jer. 1.1: בַּעֲנֹתוֹת

Jer. 32.7: בַּעֲנֹתוֹת

#### § 54. VARIOUS OTHER FORMS

Isa. 42.7: אָסִיר	Dan. 11.32: בְּחִלְקוֹת
Ps. 79.11: אָסִיר	Ps. 73.18: בְּחִלְקוֹת
Ps. 73.9: שָׁתוּ	Jer. 13.25: מָנֹת
Ps. 3.7: שָׁתוּ	Ps. 11.6: מָנֹת

Zech. 4.10: בָּזוּ

Prov. 11.12: בָּזוּ

For further evidence of the interchangeability of  $\text{בָּ}$  and  $\text{בַּ}$  in the Masoretic Bible cf. §§ 40–46.

#### § 55. EVIDENCE FROM THE BIBLE 1515/17

- α) Zech. 12.8: הִנֵּכְשֵׁל, marg.: שָׁל (= MT).  
 Eccl. 9.2: הִנֵּשְׁבַע (= MT), marg.: הִנֵּשְׁבַע.  
 β) 1 Sam. 25.14: וַיֵּעַט, marg.: וַיֵּעַט (MT: וַיֵּעַט).  
 Ruth 4.1: וַיִּסָּר, marg.: וַיִּסָּר (= MT).  
 Hos. 12.5: וַיִּשָּׂר (= MT), marg.: וַיִּשָּׂר.  
 γ) Ezra 3.8: וַשָּׂאֵר, marg.: וַשָּׂאֵר (= MT).  
 Hos. 6.1: וַיֵּךְ, marg.: וַיֵּךְ (= MT).

## § 56. CONCLUSIONS

ָ and ֿ are indiscriminately used to indicate the vowel *a*. Our sources, thus, do not warrant a differentiation between *ā* and *ǎ* merely on the basis of the shape of the vowel-sign employed to signify the vowel.

VI. The Vowel *i*: ִ or ֿ

## § 57. PERFECT-FORMS

Jer. 20.12: גְּלִיתִי	Ps. 32.5: כְּסִיתִי
Jer. 49.10: גְּלִיתִי	Ezek. 31.15: כְּסִיתִי
Num. 25.11: כְּלִיתִי	Ex. 29.35: צְנִיתִי
Isa. 49.4: כְּלִיתִי	Lev. 8.31: צְנִיתִי
Gen. 49.18: קְנִיתִי	Prov. 5.13: הִטִּיתִי
Isa. 5.4: קְנִיתִי	Judg. 15.16: הִבִּיתִי
Ex. 33.1: הֶעֱלִיתִי	Deut. 27.6: וְהֶעֱלִיתִי
Ex. 32.7: הֶעֱלִיתִי	Ex. 40.4: וְהֶעֱלִיתִי
2 Ki. 17.27: הִגְלִיתָם	Ezek. 17.19: הִפִּיר
Ezek. 11.6: הִרְבִּיתָם	Ezek. 17.16: הִפִּיר

## § 58. PARTICIPLE

Ps. 68.7: מוֹצִיא
Ps. 135.7: מוֹצֵא

## § 59. IMPERATIVE

Jer. 17.18: הִבֵּא	Isa. 43.8: הוֹצֵא
1 Sam. 20.40: הִבֵּא	Gen. 19.12: הוֹצֵא



## § 60. ABSOLUTE INFINITIVE

Isa. 27.9: הָסַר

Isa. 5.5: הָסַר

## § 61. ABSOLUTE INFINITIVE EQUALS CONSTRUCT INFINITIVE

The view held in the current Hebrew grammar that the absolute form of the infinitive of the *hiph'il* has \_ in the last syllable, while the construct form by necessity offers ., contrasts with the facts; cf.

Jer. 6.15: הַקָּלִים

Josh. 7.7: הָעֵבִיר

Prov. 25.8: בְּהַקָּלִים

Ezek. 16.21: בְּהָעֵבִיר

Hab. 1.13: וְהָבִיט

Jonah 2.5: לְהָבִיט

In these cases, both the absolute infinitive and construct infinitive have equally ..

Num. 30.13: הָפַר

Jer. 7.18: וְהָסַד

Lev. 26.44: לְהָפַר

Jer. 44.19: וּלְהָסַד

Here absolute and construct infinitive both have ..

Isa. 49.8: לְהַנְחִיל

Prov. 21.11: וּבְהִשָּׁכֵל

Deut. 32.8: בְּהַנְחִיל

Job 34.35: בְּהִשָּׁכֵל

Ps. 106.27: וּלְהַפִּיל

Jer. 44.19: וּלְהָסַד

Here the construct infinitive is represented both ways, with . and \_. Vice versa in Ezek. 21.31: הִשָּׁכֵל as compared with Isa 14.23: הִשָּׁמַד we have forms of the absolute infinitive vocalized with . and \_, too.

§ 62. THE IMPERFECT UNCHANGED BY *waw conjunctivum*  
OR *conversivum*

a) Isa. 26.17: תְּחִיל	Prov. 29.4: יַעֲמִיד
Zech. 9.5: וְתִחִיל	Neh. 3.14: וַיַּעֲמִיד
β) Deut. 24.11: יוֹצִיא	Lev. 4.32: יָבִיא
Deut. 4.20: וַיּוֹצִיא	Neh. 8.2: וַיָּבִיא
Deut. 24.4: תִּחַטֵּא	Judg. 20.16: יִחַטֵּא
1 Ki. 16.2: וַתִּחַטֵּא	2 Ki. 21.11: וַיִּחַטֵּא

§ 63. THE IMPERFECT UNCHANGED BY NEGATIONS **לֹא** AND **אֵל**

a) Lev. 27.22: יִקְדִּישׁ	Deut. 4.41: יִבְדִּיל
Lev. 27.26: לֹא יִקְדִּישׁ	Lev. 1.17: לֹא יִבְדִּיל
Deut. 28.38: תּוֹצִיא	Gen. 6.19: תָּבִיא
Ex. 12.46: לֹא תּוֹצִיא	Deut. 23.19: לֹא תָבִיא
β) 2 Ki. 18.32: יִסִּית	Hab. 1.3: תָּבִיט
2 Chron. 32.15: וְאַל יִסִּית	Gen. 19.17: אֵל תָּבִיט

**לֹא** and **אֵל** both indicate the negation of the imperative; cf. Ex. 34.3: **אֵל יִרָא . . . לֹא יַעֲלֶה**; 1 Ki. 20.8: **אֵל תִּשְׁמַע וְלֹא תֵאבֹד**; cf. also HPT § 114. Since the prefixing of **לֹא** and **אֵל** before a verb in the imperfect does not affect its vocalization, there is no reason why an imperfect-form with **וְ** as second vowel should be termed as "Jussive," unless by differentiating between the imperative in the affirmative (scil. the jussive) and in the negative. But this seems highly improbable; for just as both formations, with **וְ** and with **וְ** do appear in connection with these particles of negation (cf. the following paragraphs), so do they occur even without them, too. Furthermore: the mere external evidence of

its vocalization with  $\text{ֿ}$  alone does not transform an imperfect-form into a jussive; the context is here of primary importance — provided we wish to continue this term “jussive” at all!

§ 64. I. PERS. IMPERF.

Ex. 10.29: $\text{לֹא אֶסְפָּר}$	Ps. 89.34: $\text{לֹא אֶפְיֹר}$
Deut. 18.16: $\text{לֹא אֶסְפָּר}$	Judg. 2.1: $\text{לֹא אֶפְר}$
Neh. 2.20: $\text{וְאֶשִׁיב}$	
Josh. 14.7: $\text{וְאֶשֶׁב}$	

§ 65. 2. PERS. MASC. IMPERF.

Deut. 23.16: $\text{לֹא תִסְגֵּיר}$	Deut. 20.19: $\text{לֹא תִשְׁחִית}$
Obad. 14: $\text{וְאַל תִּסְגֵּר}$	Deut. 9.26: $\text{אַל תִּשְׁחַת}$
Josh. 1.8: $\text{תִּשְׁכַּל}$	Ps. 35.9: $\text{תִּגִּיל}$
Dan. 9.25: $\text{וְתִשְׁכַּל}$	Isa. 61.10: $\text{תִּגַּל}$
Gen. 24.6: $\text{תִּשִּׁיב}$	Job 7.12: $\text{תִּשִּׂים}$
Ps. 90.3: $\text{תִּשֶׁב}$	Job 13.27: $\text{וְתִשֶּׂם}$
Gen. 19.17: $\text{אַל תִּבְיֹט}$	Deut. 19.14: $\text{לֹא תִסֵּיג}$
1 Sam. 16.7: $\text{אַל תִּבְט}$	Prov. 22.28: $\text{אַל תִּסַּג}$
2 Sam. 15.35: $\text{תִּגִּיד}$	
Ex. 19.3: $\text{וְתִגִּיד}$	

Similarly 3. pers. fem.

Ex. 11.6: $\text{לֹא תִסָּף}$
Gen. 4.12: $\text{לֹא תִסָּף}$

§ 66. 3. PERS. MASC. IMPERF.

Isa. 56.2: $\text{יִחַזֵּק}$	1 Sam. 20.2: $\text{יִסְתִּיר}$
Isa. 27.5: $\text{יִחַזֵּק}$	Micah 3.4: $\text{וְיִסְתֵּר}$

Isa. 2.20: יִשְׁלִיךְ	Job 11.10: וַיִּקְהֵל
Job 27.22: וַיִּשְׁלַךְ	1 Ki. 8.1: יִקְהֵל
Zeph. 3.17: יִגִּיל	Lev. 4.31: יָסִיר
Ps. 14.7: יִגַּל	Job 9.34: יָסַר
Job 37.11: יָפִיץ	Eccl. 4.10: יָקִים
Job 38.24: יָפַץ	Ps. 107.29: יָקַם
Ps. 52.9: יִשִּׁים	Lev. 27.10: וְלֹא יָמִיר
Ps. 107.33: יִשֵּׂם	Ezek. 48.14: וְלֹא יָמַר
Gen. 41.44: לֹא יָרִים	Dan. 11.2: יָעִיר
Num. 17.2: וַיָּרֶם	Dan. 11.25: וַיַּעַר
Ps. 92.7: יָבִין	Neh. 8.2: וַיָּבִיא
Jer. 9.11: וַיָּבֶן	Ezek. 40.3: וַיָּבִיא
Isa. 21.6: יִגִּיד	Josh. 6.26: יִצְיֵב
Eccl. 10.20: יִגְדֹּר	Deut. 32.8: יִצָּב
Lev. 26.5: יִשְׁיג	Jer. 32.5: יוֹלֵךְ
Ps. 7.6: וַיִּשָּׂג	Deut. 28.36: יוֹלֵךְ
Deut. 25.3: יוֹסִיף	Deut. 4.20: וַיּוֹצֵא
Lev. 5.16: יוֹסִיף	Gen. 15.5: וַיּוֹצֵא

## § 67. NOUNS AND ADVERBS

Ps. 102.1: שִׁיחוּ	Prov. 5.4: פִּיּוֹת	Isa. 2.4: לְאֹתִים
Amos 4.13: שָׁחוּ	Judg. 3.16: פִּיּוֹת	1 Sam. 13.21: וְלֹא־תִים
Judg. 12.4: פְּלִיטִי	Judg. 5.16: וְשָׂרָקוֹת	
Isa. 66.19: פְּלִיטִים	Jer. 51.37: וְשָׂרָקָה	
Jer. 51.34: רִיק	Prov. 28.19: רִישׁ	Isa. 46.3: מְנִי
Deut. 32.47: רָק	Prov. 13.18: רֶשׁ	Isa. 30.11: מְנִי

## § 68. EVIDENCE FROM THE BIBLE 1515/17

Jer. 39.5: יָרַחוּ, marg.: יָרְחוּ (= MT).

Ezek. 11.6: הִרְבִּיתֶם, marg.: הִרְבִּיתֶם (= MT).

Neh. 9.23: הִרְבִּיתָ, marg.: הִרְבִּיתָ.

1 Chron. 19.5: בִּירְחוּ (= MT), marg.: בִּירְחוּ.

## § 69. EVIDENCE FROM THE BABYLONIAN VOCALIZATION

The following examples (cf. MTK, 58 and MdO, 189) are made up of verbs *mediæ laryngalis* in the perfect of the *pi'el*. In the Tiberian vocalization their respective first radical is vocalized with *·*, and in the Babylonian vocalization with *-*. A similar phenomenon, involving this time a sound root, is Job 8.11: בָּצָה which appears in the Babylonian vocalization as בָּצָה (MTK, 71). Further evidence against an explanation that the vocalization with *-* is due to the influence of the laryngals, can be seen in the fact that in the imperfect *kal* of *primæ laryngalis*, the prefix is vocalized *·* as is the case with all sound verbs: Threni 3.3: יִהְפֹּךְ; Job 5.2: יִהְרֹג; Job 12.14: יִהְרֹם (MTK, 53); Job 4.15: יִחַלֵּף; Job 9.3: יִחַפֵּץ and many more (MTK, 54). In the imperfect *pi'el*, their first radical is vocalized *·*, as is the rule with sound verbs: Ps. 102.14: תִּרְחֹם; Eccl. 5.1: יִמְהַר and תִּבְהֹל (MTK, 59); Deut. 10.6: וַיִּכְהֶן; 1 Sam. 3.17: תִּכְחֹד; Judg. 16.25: וַיִּשְׁחֶק; Isa. 51.13: תִּפְחֹד (MdO, 189).

Threni 2.7: נָאֵר=נֶאֱרָא

Isa. 51.14: מְהַר=מִהֵר

Ex. 40.13: וְכִהֶן=וְכִהֵן

Ex. 40.15: וְכִהֶנוּ=וְכִהֵנוּ

1 Sam. 3.18: כָּחַד=כָּחַד

Job 8.18: וְכַחַשׁ=וְכַחַשׁ

Job 6.10: כְּחִדְתִּי=כְּחִדְתִּי

Threni 2.6: שָׁחַת=שָׁחַת

Isa. 49.13: נָחַם=נָחַם

Job 7.21: וַיִּשְׁחַרְחֵנִי=וַיִּשְׁחַרְחֵנִי

1 Sam. 15.11: נִחַמְתִּי=נִחַמְתִּי

2 Chron. 19.3: בַּעֲרָה=בַּעֲרָה

Ezek. 39.9: וּבְעָרוּ=וּבְעָרוּ

Job 9.31: וְתַעֲבוּנִי=וְתַעֲבוּנִי

## § 70. CONCLUSIONS

The signs  $\cdot$  and  $\cdot$  are used to indicate the vowel *i*. Merely on the basis of the number of dots in the sign applied to a given word, nothing can be concluded as to the quantity or quality of the vowel.

## VII. The Vowel o(u): $\cdot$ (and $\cdot$ ) or $\cdot$ (ו)

### § 71. THE SIGNS $\cdot$ AND $\cdot$ ARE INTERCHANGEABLE

a) Lev. 14.6: הִשָּׁחֲטָה	Deut. 9.1: נַעֲצָמִים
Lev. 14.51: הִשָּׁחֲטָה	Deut. 7.1: נַעֲצָמִים
Ex. 39.13: בְּמִלֹּאֲתָם	Ex. 39.40: עֲמֻדֵּיהֶּ
Ex. 28.20: בְּמִלֹּאֲתָם	Prov. 9.1: עֲמוּדֵּיהֶּ
β) Gen. 10.21: יִלְדֹּ	Num. 17.20: תִּלְוֹנוֹת
Judg. 18.29: יוֹלֵד	Ex. 16.12: תִּלְוֹנוֹת

These examples show that *dagesh* was either inserted (β) or not (α) in the letter following the vowel *u*, regardless of the fact whether this vowel was indicated by  $\cdot$  or  $\cdot$ . Consequently, in cases like

Prov. 22.14: עֲמָקָה	Zech. 1.13: נִחָמִים
Prov. 23.27: עֲמוּקָה	Hos. 11.8: נִחוּמֵי

we will realize an effort to introduce a difference in the treatment of these signs:  $\cdot$  to be followed by a *dagesh*, apparently because believed designating a short vowel (cf. Rule VIβ in § 1).



The genuinely indiscriminate use of these vowel-signs is also reflected in the Bible 1515/17:

Isa. 5.5: מְשׁוֹכָתוֹ (= MT), marg.: מְשַׁכְתּוֹ.

Isa. 55.4: לְאֻמִּים (= MT), marg.: לְאֻמִּים.

Jer. 31.33: כֹּלָם (= MT), marg.: כָּלָם.

Isa. 59.18: גְּמֻלוֹת (= MT), marg.: גְּמֻלוֹת.

Ps. 80.17: שְׂרָפָה (= MT), marg.: שְׂרֹפָה.

Isa. 16.8: שְׁלֹחַתֶּיהָ, marg.: שְׁלַחַתֶּיהָ (= MT).

Jer. 42.16: תְּמֻתּוֹ, marg.: תְּמָתּוֹ (= MT), but

Amos 9.10: יְמֻתּוֹ (= MT), marg.: יְמָתּוֹ.

Henceforth, in discussing the vowel-signs of this group and ם, the vowel-sign ם will implicitly be included in ם (and vice versa).

## § 72. IMPERFECT-FORMS OF SOUND VERBS

2 Sam. 17.16: תַּעֲבֹר׃ Isa. 1.23: יִשְׁפֹּטוּ

Ruth 2.8: תַּעֲבֹרִי׃ Ex. 18.26: יִשְׁפֹּטוּ

Prov. 2.11: תִּשְׁמֹר׃

Prov. 14.3: תִּשְׁמֹרֶם׃

## § 73. IMPERFECT-FORMS OF VERBS *mediae* ם

Ezek. 5.11: תִּחֹס׃ Job 36.14: תִּמָּת׃ Micah 5.8: תִּרָם׃

Isa. 13.18: תִּחֹס׃ Ex. 7.18: תִּמָּוֹת׃ Ps. 89.14: תִּרָם׃

Ps. 72.13: יִחֹס׃ Num. 24.7: יִרָם׃

Jer. 21.7: יִחֹס׃ 2 Sam. 22.47: יִרָם׃

Deut. 33.6: יָמַת׃ (וואל)

Num. 35.12: יָמוֹת׃ (ולא)

The *waw consecutivum* does not interfere with the way these verbs are vocalized (cf. similarly § 62β):

Ps. 46.7: תָּמוּג	as compared with	Prov. 3.11: תָּקֵץ
Amos 9.5: וְתָמוּג		Lev. 20.23: וְאָקֵץ

#### § 74. INFINITIVE-FORMS OF VERBS *mediae* ו

A number of infinitives of verbs *mediae* ו occur both, vocalized with ו and ו̇. Against any attempt to term such forms with ו̇ as absolute infinitive, and those with ו as construct infinitive, we are going to prove that the transition of the absolute infinitive into the construct form does not involve a change in the vowel-sign hitherto employed:

α) absolute infinitive equals construct infinitive (in the vowel-sign):

1. Gen. 39.16: בּוֹא; cf. with: Gen. 42.15: בָּבוֹא; Gen. 12.14: בָּבוֹא; Josh. 13.5: לָבוֹא; Gen. 24.62: מְבוֹא.  
Isa. 24.19: מוֹט; cf. with: Ps. 38.17: בָּמוֹט; Ps. 46.3: וּבְמוֹט; Ps. 66.9: לְמוֹט.
2. Ezek. 30.16: חוֹל; cf. with Judg. 21.21: לְחוֹל.  
Job 5.7: עוֹף; cf. with Prov. 26.2: לְעוֹף.

Hence, in forms vocalized

β) absolute infinitive ו̇ and construct ו:

Threni 3.52: צוֹד	Isa. 61.10: שוֹשׁ
Gen. 27.5: לְצוֹד	Deut. 30.9: לְשׁוֹשׁ

this change from ו̇ into ו is by no means the result of the change of the absolute form of the infinitive into the construct form, but reflects the two possibilities of vocalizing these verbs, which in these cases accidentally coincide with the absolute infinitive and construct infinitive respectively. The following paragraphs will corroborate these results.

# § 75. ABSOLUTE INFINITIVE OF VERBS *mediae* 1

Jer. 44.29: קום	Deut. 17.15: שום	Dan. 9.5: וסור
Ps. 127.2: קום	Hag. 2.15: שום	Job 28.28: וסור

# § 76. CONSTRUCT INFINITIVE OF VERBS *mediae* 1

2 Sam. 13.28: בָּטוּב	Num. 16.29: בָּמוֹת
Prov. 11.10: בָּטוּב	Num. 18.22: לָמוֹת
Num. 11.25: בָּנוּחַ	Isa. 7.2: לָנוּעַ
2 Sam. 21.10: לָנוּחַ	Jer. 14.10: לָנוּעַ

# § 77. ABSOLUTE INFINITIVE WITH IMPERFECT OF VERBS *mediae* 1

Cant. 8.7: בּוֹז יְבוּזוּ	2 Sam. 18.3: נוֹס נָנוּס
Isa. 54.15: גּוֹר יְגוֹר	Isa. 24.20: נוֹעַ תָּנוּעַ
Isa. 28.28: אָדוּשׁ יְדוּשָׁנוּ	Jer. 44.29: קוֹם יְקוּמוּ
Judg. 13.22: מוֹת נָמוּת	Gen. 18.10: שׁוּב אָשׁוּב

# § 78. NOUNS WITH PREFIX מ, DERIVED FROM VERBS *mediae* 1

## a) Masculine and feminine forms with 1

Ps. 150.4: וּמַחֲוֹל	Ps. 71.3: מַעֲוֹן
Cant. 7.1: בְּמַחֲלַת	Deut. 33.27: מַעֲנָה

## β) Masculine form with 1, feminine with 1 and 1

Jer. 6.25: מְגוֹר	Ex. 15.17: מְכוֹן
Prov. 10.24: מְגוֹרַת	1 Ki. 7.27: הַמְּכוֹנָה
Ps. 34.5: מְגוֹרוֹתַי	Zech. 5.11: מְכַנְתָּה

Prov. 12.12: מְצוֹר  
Eccl. 9.12: בְּמַצֹּדָה  
Ezek. 13.21: לְמַצָּדָה

Thus, the vowel-sign employed by these nominal forms is not at all interconnected with the gender of the respective form. Similarly we shall explain the following cases, where consistently the masculine noun is vocalized *î* and the feminine *î*, as a mere coincidence, due to the fact that accidentally these forms happened to be preserved in the Bible:

Ps. 74.16: מְאוֹר	Gen. 43.21: הַמֶּלֶן	Gen. 8.9: מְנוּחַ
Isa. 11.8: מְאוֹרֶת	Isa. 1.8: בְּמִלּוֹנָה	Num. 10.33: מְנוּחָה
Jer. 25.35: מְנוֹם	1 Sam. 22.2: מְצוֹק	
Isa. 52.12: וּבְמִנוּסָה	Zeph. 1.15: וּמְצוֹקָה	
	Deut. 20.20: מְצוֹר	
	2 Chron. 14.5: מְצוֹרָה	

#### § 79. VARIOUS NOMINAL FORMS WITH *î* AND *î*

2 Ki. 12.10: חֹר	Hab. 3.10: רוֹם
Isa. 11.8: חֶרֶץ	Prov. 25.3: לָרוֹם
	Ezek. 3.9: מְצַר
	Ps. 89.44: צוֹר
Isa. 34.11: וַיִּגְשׁוּף	Hos. 9.8: יָקוֹשׁ
Lev. 11.17: הַיִּגְשׁוּף	Ps. 91.3: יָקוֹשׁ
Prov. 7.9: בְּאִישׁוֹן	2 Chron. 9.29: וּבְחֻזוֹת
Prov. 20.20: בְּאִישׁוֹן	Isa. 21.2: חֻזוֹת
Jer. 51.38: בְּגוֹרֵי	Isa. 52.2: מוֹסְרֵי
Ezek. 19.2: גּוֹרֵיָהּ	Job 12.18: מוֹסֵר
1 Sam. 11.11: בְּאִשְׁמֶרֶת	Ex. 15.5: בְּמִצְלֹת
Ps. 63.7: בְּאִשְׁמֶרוֹת	Micah 7.19: בְּמִצְלֹת
Jer. 41.8: מְטַמְּנִים	Eccl. 9.14: מְצוֹדִים
Isa. 45.3: וּמְטַמְּנֵי	Job 19.6: וּמְצוֹדוֹ

Ezek. 16.3: מְכַרְתִּיךְ

Isa. 29.7: וּמַצְדָּתָהּ

Ezek. 21.35: מְכַרְוֹתֶיךָ

2 Sam. 22.2: וּמַצְדָּתִּי

Similarly Adverbs like:

Deut. 1.1: מוֹל

1 Sam. 4.7: אֶתְמוֹל

Deut. 2.19: מוֹל

Isa. 30.33: מֵאֶתְמוֹל

## § 80. EVIDENCE FROM NON-MASORETIC SOURCES

We refer to our expositions in TRL, paragraph xxiii under 1; cf. also ib. § 40: פְּנוֹת: φενωθ with בְּפֹת: χεσσουθ (ω—ου). Further in the Bible 1515/17:

Ps. 69.9: מוֹר ( = MT), marg.: מוֹר

Isa. 27.5: בְּמַעְזִי ( = MT), marg.: מַעְזִי

§ 81. *ḥatef ḵames* ( ֿ ) AND *ḵames ḥatuf* ( ֿ )

a) According to the procedure of the grammarians of the Tiberian School, a *holem* ( ֿ ) in a syllable which in the course of the declension either became closed, or which if closed — but with the stress before — lost its stress, immediately was changed into ֿ. In order to avoid any misunderstanding, we once again emphasize the statement made at the end of § 7: that we constantly refer to the readings of the Bible 1524/5 of Jacob ben Chayim; for of all the examples which we are listing here, hardly more than a mere trace has been left in the subsequent “corrected” editions: עֹז becomes Ex. 15.2: עֹזִי; יִפְרֹץ in Ex. 19.24: יִפְרֹץ; similarly Ps. 5.4: אֶעֱרֹךְ-לֶךְ with suffix in Isa. 63.15: אֶעֱרֹךְ-לִי, with suffix in 1 Sam. 26.10: יִגְפֹנוּ; similarly Num. 35.20: יִהְדָּפוּ and Josh. 23.5: יִהְדָּפִם; nominal forms ending in ֿ, when in the construct state with *makkef*: Ex. 30.23: וְקִנְיָן; Ex. 21.11: שְׁלֹשׁ; cf. further Ex. 25.39: מִרְאָה and 2 Ki. 10.19: בְּעֵקֶבָהּ. In

the majority of these cases the marginal Masora (the מסורה קטנה) in this Bible of 1524/5 exhibits notes stressing the vocalization with a ם of the words referred to. I wish to illustrate this with an example, which upon a re-examination of the cross-references, reveals the later tendency of the Masoretes to change this ם into ן, the so-called *kames hatuf*: In Ex. 15.2 on עֵי, the Masora has a note: ם. This means: the word עֵי in exactly this vocalization with ם occurs three times. But the next time this word actually occurs, in Isa. 12.2, the text reads: עֵי and its masoretic note likewise: ם. We see thus the hand of the editor at work; text and note have both been changed! The extent of the changes effected prior to the submitting of this Bible to the press can be seen by an even cursory comparison with the Bible 1515/17: Here as a rule, the vowel *o* in a closed syllable is indicated by ם; cf. e. g.: חֲנִי, שְׁפֹטִי, אֲזַנְךָ, אֲרָחוֹת, שָׁרָשָׁם, חֲכָמָה, חֲנִי, מְלָכִי, מְלָכָה, to mention but a few. In this connection it is interesting to note that the *naḳdan*, who was responsible for the vocalization of the Bible 1515/17, held a view, even on the division of words into syllables, different from that of Jacob ben Chayim; cf. his text

1 Sam. 3.11: שְׁמָעוּ (= MT), marg.: שְׁ

Ezek. 28.9: הֲרִגְךָ (= MT), marg.: הֲרִגְךָ

The masoretic vocalization of these words with ם presupposes their division into syllables as שְׁ-מָעוּ and הֲ-רִגְךָ, while the marginal reading in the Bible 1515/17 reflects שְׁמָ-עוּ and הֲרִ-גְךָ.

β) With the results of our discussion in § 72 seq. in mind, we shall now demonstrate the interrelation of the vowel-signs ם and ן, as well as ם and ן. We stress the point that the ן we are concerned with here is an original ם which due to a later conception of the grammarians was changed into ן, but which is utterly different from the ן as discussed in § 50 seq.:



1. Isa. 3.12: אָרְחָתִי as compared with Job 13.27: אָרְחָתִי and Venice 1515: אָרְחָתִי.

Ezek. 35.10: אֲמַרְךָ (MdO, 188) = אֲמַרְךָ, and Venice 1515 marg.: אֲמַרְךָ.

- 1 Sam. 15.7: לִמְשַׁחְךָ = לִמְשַׁחְךָ, and Venice 1515 marg.: לִמְשַׁחְךָ.

The omission of the , in the ׀ in these cases by the Masora reflects a period when ׀ was already considered to form together with ׀ and ׀ (cf. § 36 seq.) one group, the so-called *hatefs*. In case such a *hatefs* was followed immediately after by a simple *shewa*, then one of the components of the *hatefs* was omitted; cf. 1 Sam. 4.19: נִהְפָּכוּ with Ps. 78.57: נִהְפָּכוּ; 2 Sam. 10.11: יִחְזָקוּ with Isa. 28.22: יִחְזָקוּ; Hos. 11.11: יִתְרָדוּ with Ezek. 26.18: יִתְרָדוּ; Ps. 5.12: וַיַּעֲלֵצוּ with the variant from the Soncino edition (1488) as noted by Ginsburg: וַיַּעֲלֵצוּ. Similarly: Job 9.27: אַעֲזֹבָהּ with Num. 21.22: אַעֲבֹרָה; Num. 32.27: יַעֲבְרוּ with 1 Sam. 14.1: וַנַּעֲבֹרָה.

2. Isa. 37.18: אֲמָנָם

Deut. 5.21: גִּדְּלוּ

Gen. 18.13: אֲמָנָם

Ps. 150.2: גִּדְּלוּ

Micah 2.10: טָמְאָה

Isa. 12.2: עֲזִי

Judg. 13.7: טָמְאָה

Isa. 49.5: עֲזִי

Lev. 2.1: קָרְבֵּן

Neh. 10.35: קָרְבֵּן

## § 82. CONCLUSIONS

The vowel-signs ׀, ׀, ׀, ׀ and ׀ represent various ways of indicating one and the same vowel *o(u)*. The fact in itself that ' and ׀ (,) could be used interchangeably, excludes any theory that they signify long and short *o*, respectively.

## VIII. The Vowel-Sign segol (,) .

In order to identify the vowel which this sign , was meant to indicate, we first turn to the Palestinian and Babylonian vocalizations to see what vowel-signs they use for vocalizing a syllable which has , in the Tiberian system. The vocalic value in the respective vocalization system of the equivalent Palestinian and Babylonian vowel-signs thus established will be fixed by our inductive method.

## § 83. THE PALESTINIAN EQUIVALENT OF , .

a) Palestinian ' corresponds to Tiberian , .

Deut. 26.15: אָרָץ=אֶרֶץ	Ps. 12.7: כָּסֶף=כֶּסֶף
Isa. 66.3: כָּלָב=כֶּלֶב	Isa. 49.6: עָבַד=עֶבֶד
Ps. 39.14: בָּטָרָם=בֶּטָרָם	Isa. 66.17: וְהִשְׁקָץ=וְהִשְׁקִץ

β) The vocalic value of ' equals Tiberian , .

Jer. 25.30: הָאֱלֹהִים=הָאֱלֹהִים	Isa. 60.11: וּמִלְכֵיהֶם=וּמִלְכֵיהֶם
Deut. 32.2: עָשָׂב=עֵשֶׂב	Jer. 3.22: מְשׁוֹבוֹתֵיכֶם=מְשׁוֹבוֹתֵיכֶם
Hos. 2.17: עֵמֶק=עֵמֶק	Jonah 1.5: מַעְלֵיהֶם=מַעְלֵיהֶם
Ps. 39.14: וְאִינִי=וְאִינִי	

In these words the two vowel-signs , . occur in their Tiberian vocalization, while the Palestinian system has ' . This sign corresponds to Tiberian , ; cf. 1 Ki. 8.20: וְאִשָּׁב=וְאִשָּׁב; Jer. 30.18: יִשָּׁב=יִשָּׁב. We therefore conclude that the vowel which in the Palestinian vocalization was indicated by ' , had two equivalents in the Tiberian system, , and , . Whether this implies a break of the vowel into two shades will be discussed later on.

## § 84. THE BABYLONIAN EQUIVALENT OF

a) Babylonian ֿ corresponds to Tiberian ֿ.

Jer. 6.26: אֲבָל=אָבַל

Deut. 10.9: חֶלֶק=חָלַק

Jer. 22.28: חָפֶץ=חֶפֶץ

Job 5.9: חָקֵר=חֶקֶר

Isa. 50.1: סֶפֶר=סֵפֶר

Joel 4.2: עָמַק=עֶמֶק

These examples are taken from *MdO*, 195.

β) The vocalic value of ֿ equals Tiberian ֿ.

This fact is so obvious to anyone who has even only a chance acquaintance with Hebrew Bible texts in the Babylonian vocalization that we consider it superfluous to bring examples for it.

Summing up the results obtained thus far: that ֿ corresponds phonetically to ֿ (according to the evidence from the Palestinian system) and (or) ֿ (as the *naḳdan* of the Babylonian system heard it) we may safely assume that ֿ as a vowel formed the phonetic transition from ֿ to ֿ. We shall now proceed to apply this our inductive method to the Tiberian vocalization itself in our search to fit ֿ into the system of vowels.

§ 85. THE VOWEL-SIGNS ֿ AND ֿ INTERCHANGEABLY USED  
IN THE TIBERIAN SYSTEM

a) Verbs of sound roots

1. imperative

Isa. 58.1: הָרֵם

2 Ki. 5.23: הוֹאֵל

2 Ki. 6.7: הָרֵם

2 Ki. 6.3: הוֹאֵל

2. imperfect with אל

Ps. 132.10: תִּשָּׁב

1 Sam. 22.15: יִשָּׁם

Ex. 8.25: יִסָּף

1 Ki. 2.20: תִּשָּׁב

1 Sam. 9.20: תִּשָּׁם

Ex. 10.28: תִּסָּף

3. imperfect *niph'al*

Isa. 62.4: יִאָמַר	Jer. 48.44: יִלְכֹּד
Isa. 4.3: יִאָמַר	Eccl. 7.26: יִלְכֹּד
Ex. 5.18: יִנָּתֵן	2 Ki. 10.19: יִפְקֹד
Lev. 24.20: יִנָּתֵן	Prov. 19.23: יִפְקֹד

4. imperf. with *waw consecutivum*

Num. 11.30: וַיֹּאמֶר	Gen. 24.67: וַיִּנָּחֵם
Gen. 25.8: וַיֹּאמֶר	Gen. 6.6: וַיִּנָּחֵם
Ezra 8.23: וַיַּעֲתֵר	Gen. 47.11: וַיִּוָּשֶׁב
2 Chron. 33.13: וַיַּעֲתֵר	2 Ki. 17.6: וַיִּוָּשֶׁב

5. *inf. constr.*

Ex. 17.10: לְהִלָּחֵם	Ex. 32.6: לְצַחֵק
Num. 22.11: לְהִלָּחֵם	Gen. 39.14: לְצַחֵק

## 6. perfect

Lev. 5.21: וְכָחַשׁ
Lev. 5.22: וְכָחַשׁ

β) Verbs *tertiæ* ה

## 1. imperfect

Ex. 22.22: תַּעֲנֶה	Dan. 1.13: תִּרְאֶה
Gen. 31.50: תַּעֲנֶה	Ps. 35.17: תִּרְאֶה

Similarly:

Gen. 24.39: תִּלְךְ
Jer. 48.2: תִּלְךְ

## With a Particle of Negation

Jer. 17.17: אַל תִּהְיֶה

2 Sam. 13.12: אַל תַּעֲשֶׂה

Ex. 22.24: לֹא תִהְיֶה

Ex. 20.4: לֹא תַעֲשֶׂה

2. participle *kal*

Isa. 64.5: וַעֲשֶׂה

Gen. 14.19: קָנָה

Ps. 64.9: רָאָה

Ps. 86.10: וַעֲשֶׂה

Prov. 15.32: קָנָה

Jer. 20.12: רָאָה

## Similarly:

Ps. 119.162: כְּמוֹצֵא

Eccl. 7.26: וְחוֹטֵא

Eccl. 7.26: וּמוֹצֵא

Eccl. 9.18: וְחוֹטֵא

3. participle *hiph'il*

Ex. 21.12: מָכָה

Isa. 66.3: מַעֲלֶה

Lev. 11.42: מְרַבֵּה

Ex. 2.11: מָכָה

Jer. 33.18: מַעֲלֶה

Prov. 28.8: מְרַבֵּה

## 4. similar nominal formations

Isa. 60.21: מַעֲשֶׂה

Gen. 26.14: וּמִקְנֶה

Isa. 3.24: מַעֲשָׂה

Eccl. 2.7: מִקְנֶה

Consequently, there is no justification for assigning such forms in *v* to the absolute and those in *u* to the construct state. Solely the word's position in the structure of the sentence ought to be decisive; cf. also 1 Ki. 10.28: מִקְנֶה (absol.) and Lev. 11.36: מִקְנֶה (constr.) both equally vocalized.

## γ) Bisyllabic nouns

## 1. nouns of sound roots

Ezek. 16.34: הִפָּךְ

Isa. 56.12: יִתָּר

Ps. 49.14: כִּסָּל

Ezek. 16.34: לְהִפָּךְ

Dan. 8.9: יִתָּר

Eccl. 7.25: כִּסָּל

1 Sam. 10.5: נָבֵל	Num. 30.14: נָדָר	Ex. 30.9: וְנִסְךְ
Ps. 71.22: נָבֵל	Lev. 22.21: נָדָר	Gen. 35.14: נִסְךְ
1 Ki. 10.25: וְנִשְׁקַ	Ezek. 8.3: סִמָּל	
2 Chron. 9.24: נִשְׁקַ	2 Chron. 33.7: הַסִּמָּל	
Amos 6.6: שִׁבָּר	Ps. 32.6: לְשִׁטָּף	Ps. 111.10: שִׁבָּל
Lev. 21.19: שִׁבָּר	Nah. 1.4: וּבִשְׁטָף	1 Sam. 25.3: שִׁבָּל

## 2. nouns *tertiaie laryngalis*

Ps. 49.20: נִצַּח	Ps. 119.130: פִּתְחָח
Jer. 15.18: נִצַּח	Gen. 38.14: בִּפְתָּח
2 Sam. 16.13: בִּצְלַע	Ps. 20.7: יִשַׁע
Ex. 26.20: וּלְצִלָּע	Isa. 45.8: יִשַׁע

## δ) Monosyllabic nouns

### 1. absolute state

Zech. 14.4: גִּיאַ
Isa. 40.4: גִּיאַ

### 2. construct state

1 Sam. 22.20: בֶּךְ	2 Sam. 24.10: לְבִי	Gen. 19.22: שִׁם
1 Sam. 22.20: בֶּכָּךְ	2 Sam. 15.13: לְבִי	Gen. 16.15: שִׁם
1 Sam. 14.4: שֶׁךְ	Ruth 3.15: שִׁשׁ	
Job 39.28: שֶׁךְ	Prov. 6.16: שִׁשׁ	

Similarly with *maḳkeph*:

Gen. 16.2: הַנִּהַר
Gen. 19.2: הַנִּהַר



## § 86. EVIDENCE FROM THE BIBLE 1515/17

1. Eccl. 5.7: וְנָל, marg.: וְנָל (= MT).  
Ps. 90.9: הִנֵּה, marg.: הִנֵּה (= MT).  
2 Sam. 8.2: הִחָבֵל, marg.: הִחָבֵל (= MT).  
Ps. 81.7: מִסְבֵּל (= MT), marg.: מִסְבֵּל.  
Ps. 32.6: לְשִׁטָּף (= MT), marg.: לְשִׁטָּף.
2. Ezek. 3.7: מִצָּח (= MT), marg.: מִצָּח.  
Ps. 109.19: וּלְמִנִּיח (= MT), marg.: מִנִּיח.
3. Zech. 9.5: תִּרְא, marg.: תִּרְא (= MT).  
Job 29.3: אֶלֶךְ, marg.: אֶלֶךְ (= MT).  
Isa. 33.21: תִּלְךְ (= MT), marg.: חִלְךְ.  
Job 27.8: יִשָּׁל (= MT), marg.: יִשָּׁל.
4. 1 Ki. 18.1: הִרְאָה (= MT), marg.: הִרְאָה.  
Jer. 25.29: הִנֵּקָה (= MT), marg.: קָה.
5. Jer. 51.15: עֲשֵׂה, marg.: עֲשֵׂה (= MT).  
2 Sam. 5.8: מִבָּה, marg.: מִבָּה (= MT).
6. Jer. 17.18: וּמִשְׁנֶה (= MT), marg.: שְׁנֶה.  
Est. 1.9: מִשְׁתָּה (= MT), marg.: מִשְׁתָּה.
7. 1 Sam. 25.25: בָּן (= MT), marg.: בָּן.  
2 Sam. 9.12: בָּן, marg.: בָּן (= MT).

## § 87. THE VOWEL-SIGNS װ AND ן

With the results of our investigation in § 57 seq. in mind: that the vowel-signs װ and ן were interchangeable, we shall now try to find out, how װ fits into this scheme:

Ps. 147.15	אִמְרָתוֹ	Gen. 41.43:	בְּמִרְכָּבָת
Threni 2.17	אִמְרָתוֹ	Gen. 46.29:	מִרְכָּבָתוֹ
Ps. 150.5	בְּצִלְצְלִי		
2 Sam. 6.5:	וּבְצִלְצְלִים		

A similar uncertainty as to the use of  $\text{ֿ}$  or  $\text{ֿ}$  is noticeable in some other nominal formations, too; from the root  $\text{רכב}$  the noun is formed: Lev. 15.9:  $\text{הַמֶּרְקָב}$ , but from the root  $\text{רמס}$ : Isa. 10.6:  $\text{מֶרְמָס}$ ; the absolute forms  $\text{עָנַל}$  and  $\text{עָמַק}$  with suffixes become Hos. 8.5:  $\text{עָנְלָךְ}$  and Jer. 49.4:  $\text{עָמְקֶךָ}$ ; the construct state pluralis of  $\text{חָבַל}$  and  $\text{חָקַר}$  is: Hos. 13.13:  $\text{חֲבָלֵי}$ , and Judg. 5.16:  $\text{חֲקָרֵי}$ .

Further traces of this uncertainty may be found in the Bible 1515/17 also:

Amos 6.6:  $\text{מְרִנּוֹחַ}$  (= MT) marg.:  $\text{מְרִנּוֹחַ}$ .

Jer. 29.4:  $\text{הַגְּלִיתִי}$  (= MT), marg.:  $\text{הַגְּלִיתִי}$ .

#### § 88. THE VOWEL-SIGNS $\text{ֿ}$ AND $\text{ֿ}$

α) Ps. 40.5: $\text{מִבְּטָחוֹ}$	Isa. 20.5: $\text{מִבְּטָטָם}$
Prov. 21.22: $\text{מִבְּטָחָהּ}$	Zech. 9.5: $\text{מִבְּטָטָהּ}$
Num. 4.9: $\text{מִלְּקַחֶיהָ}$	Joel 2.5: $\text{מִרְקָבוֹת}$
Isa. 6.6: $\text{בְּמִלְקָחִים}$	2 Sam. 15.1: $\text{מִרְקָבָהּ}$

Isa. 33.17:  $\text{מִרְחֻקִּים}$

Zech. 10.9:  $\text{וּבִמְרֻחִים}$

Cf. also Josh. 10.2:  $\text{הַמִּמְלָכָה}$  (from the root  $\text{מלך}$ ) with Micah 4.8:  $\text{הַמִּמְשָׁלָה}$  (from  $\text{משל}$ ).

β) Judg. 16.5: $\text{נִתְּךְ}$	Gen. 41.7: $\text{וַיִּקָּץ}$
Num. 22.18: $\text{נִתְּךְ}$	Gen. 9.24: $\text{וַיִּקָּץ}$
Threni 3.2: $\text{נִילְךְ}$	Job 40.32: $\text{אֵל תּוֹסֹף}$
Jer. 52.26: $\text{נִילְךְ}$	Deut. 3.26: $\text{אֵל תּוֹסֹף}$
Threni 3.48: $\text{תִּרְד}$	Judg. 19.20: $\text{אֵל תִּלָּן}$
2 Ki. 1.10: $\text{תִּרְד}$	2 Sam. 17.16: $\text{אֵל תִּלָּן}$

#### § 89. CONCLUSIONS

The vowel-sign  $\text{ֿ}$  may be classified as reflecting a variation of the vowel indicated by  $\text{ֿ}$ . Our attempt to establish an inter-relation between  $\text{ֿ}$  and  $\text{ֿ}$  (cf. § 87) which would be only the

self-understood outcome of such close an inter-connection between  $\text{փ}$  and  $\text{փ}$ , on one side, and between  $\text{փ}$  and  $\text{փ}$  on the other side, proved to be futile. As an explanation of this result we are inclined to suggest a theory that  $\text{փ}$  was introduced as a vowel-sign at a comparatively later time when  $\text{փ}$  had already branched off  $\text{փ}$  and had become a separate vowel:  $e$ . As a step further to bridge over the still existing gap between the  $i$ -sound and the  $a$ -sound, came the new vowel indicated by  $\text{փ}$ . Thus the connection between  $\text{փ}$  and  $\text{փ}$  finds its explanation too. Graphically expressed, the interrelation between the vowels  $i$  and  $a$  originally was  $\text{փ}$  (these two being identical then) and  $\text{փ}$ , but later developed into:  $\text{փ}$   $\text{փ}$   $\text{փ}$ ; cf. Lev. 5.1:  $\text{փִּי}$  — Gen. 9.22:  $\text{փִּי}$  — Judg. 14.17:  $\text{փִּי}$ ; Deut. 18.15:  $\text{փִּי}$  — 1 Sam. 1.23:  $\text{փִּי}$  — Ex. 40.18:  $\text{փִּי}$  with § 88β.

#### IX. Are the Vowels $i$ and $a$ Directly Interrelated?

The present status of this problem is summed up by Bergstr. § 26b: "Sogenannte *Verduennung* des  $a$ : In unbetonter geschlossener Silbe ist  $a$  unter gewissen nicht mehr bestimmbareren Bedingungen zu  $i$  geworden; infolge mannigfacher Ausgleichungen ist in manchen Formklassen  $i$ , in anderen  $a$  durchgedrungen, waehrend anderwaerts gleichartige Formen teils  $i$ , teils  $a$  haben." In other words: certain forms have the vowel  $a$  while others have an  $i$  instead; and since these forms with  $a$  or  $i$  belong to the very same group, no satisfactory theory could be advanced till now so as to explain this uncertainty of vocalization. Before we attempt to solve the problem, we wish to present it in a clear way. The very way in which we arrange and group the material, will illustrate the futility of any theory hitherto advanced. Our examples consist of nouns with the preformative  $\text{փ}$  and demonstrate the two possibilities of vocalizing it:  $\text{փ}$  and  $\text{փ}$ .

## a) The identical noun

## § 90. PLURAL-FORMS

Jer. 10.4: בְּמִסְמְרוֹת	Isa. 41.7: בְּמִסְמְרִים
2 Chron. 3.9: לְמִסְמְרוֹת	1 Chron. 22.3: לְמִסְמְרִים

## § 91. MASCULINE AND FEMININE FORMS

Isa. 24.22: מִסְגֵּר	Isa. 3.1: מִשְׁעָן
Ex. 25.25: מִסְנָרֶת	Isa. 36.6: מִשְׁעָנֶת

The change from the masc. form to the fem. is in no way interconnected with this change from *מ* to *מִ*; cf. Lev. 25.14: מִמְכָּר and ib. verse 42: מִמְכָּרֶת.

## § 92. INFLECTED FORMS

Neh. 8.10: מִשְׁמָנִים	Cant. 5.5: הַמְנַעוֹל
Isa. 10.16: בְּמִשְׁמָנִיו	Deut. 33.25: מְנַעֲלָךְ

The suffix has no influence upon the vocalization of the prefix; cf. Neh. 3.3: מְנַעוּלָיו.

Ezek. 27.24: בְּמִכְלָלִים	Ps. 141.10: בְּמִכְמָרֵיו
Ezek. 38.4: מְכַלּוֹל	Isa. 19.8: מְכַמָּרֶת

## b) Different nouns

§ 93. NOUNS DERIVED FROM VERBS *primae* פ OR ר

Gen. 12.11: מְרֹאָה	Ex. 23.25: מַחֲלָה
Gen. 47.4: מְרַעָה	Judg. 6.4: מַחֲיָה
Lev. 2.7: מְרֻחָשֶׁת	
Gen. 41.43: בְּמִרְכָּבֶת	

§ 94. NOUNS DERIVED FROM VERBS *tertia* ה

Gen. 13.10: מִשְׁקָה	Ex. 35.25: מִטָּה
Gen. 43.12: מִשְׁנֶה	Prov. 26.28: מִדְּחָה
Ex. 34.33: מִסָּה	Deut. 28.60: מִדְּוֵה
Jer. 15.7: בְּמִזְרָה	Jer. 14.8: מִקְנֶה

Similarly with additional *primae* י:

Lev. 26.21: מִכָּה
2 Ki. 4.10: מִטָּה

§ 95. NOUNS WITH *o* AS SECOND VOWEL

Ex. 12.7: הַמִּשְׁקֹף	Ps. 69.27: מִכְאוֹב
Ezek. 4.10: בְּמִשְׁקוֹל	Ezek. 7.19: מִכְשׁוֹל
Gen. 43.23: מִטְמוֹן	Zech. 10.1: מִלְקֹושׁ
Isa. 4.6: וּלְמִסְתּוֹר	Ps. 3.1: מִזְמוֹר

§ 96. NOUNS WITH *i* AS SECOND VOWEL

Isa. 14.21: מִטְבַּח	Isa. 24.22: מִסְנֶר	2 Ki. 19.3: מִשְׁבֵּר
Gen. 8.20: מִזְבֵּחַ	Eccl. 9.15: מִסְכֵּן	Gen. 50.10: בִּסְפֹד

§ 97. NOUNS WITH *a* AS SECOND VOWEL

Judg. 3.31: בְּמִלְמַד	Judg. 5.11: מִשְׁאָבִים
Lev. 25.25: מִמְכָּר	2 Sam. 22.19: מִשְׁעָן

## § 98. INFLECTED FORMS

1 Sam. 4.18: מִפְּרָקָתוֹ	2 Sam. 12.31: וּבִמְגִירוֹת
Judg. 5.17: מִפְּרָצָיו	Jer. 34.5: וּבִמְשָׁרְפוֹת

Joel 4.10: וּמִזְמֵרֵיהֶם	Gen. 27.4: מִטַּעֲמִים
Ex. 27.3: וּמִזְלָגָתָיו	Dan. 11.43: בְּמִכְמָנֵי
Isa. 19.2: מִקְלָכָהּ	Cant. 5.16: מִמִּתְקִים
Gen. 14.2: מִלְחָמָהּ	1 Chron. 26.6: הַמְּשָׁלִים

### § 99. CONSTRUCT STATE OF THE SINGULAR

2 Ki. 8.15: הַמִּכְבָּר	Isa. 3.1: מִשְׁעָן
Ex. 35.16: מִכְבָּר	Isa. 3.1: מִשְׁעָן
Ex. 27.4: מִכְבָּר	2 Sam. 22.19: מִשְׁעָן

These examples show two possibilities of forming nouns with the prefix *מ*: with the second vowel *i* or *a*. It is obvious that *מִכְבָּר* and *מִשְׁעָן* form the construct state to the absolute nouns *מִכְבָּר* and *מִשְׁעָן*, respectively. Similarly in

Isa. 22.22: מִפְתָּח	Zeph. 2.15: מִרְבֵּץ
Prov. 8.6: וּמִפְתָּח	Ezek. 25.5: לְמִרְבֵּץ
Jer. 16.5: מִרְיָח	2 Ki. 19.3: מִשְׁבֵּר
Amos 6.7: מִרְיָח	Hos. 13.13: בְּמִשְׁבֵּר

Here the absolute form of the respective nouns with the second vowel *a* is not preserved; its former existence is attested by the construct state. These words should consequently not be listed in the Hebrew dictionaries under one and the same heading as *stat. absol.* and *constr.* thereof.

### § 100. EVIDENCE FROM THE PALESTINIAN AND BABYLONIAN VOCALIZATION

An examination of the extensive lists of nominal formations with the prefix *מ* in MTK, 70 and MdO, 197 f., reveals the correctness of Kahle's assertion (MTK, 69) that "bei den babylonischen Juden (scil. in Hebrew according to the Babylonian



vocalization) hat sich das *a* bei der ersten Silbe in der Regel erhalten." In the Palestinian vocalization, on the other hand, this prefix מ as a rule has the vowel *i*. In the following list I put in juxtaposition the different ways in which the same Hebrew word is vocalized according to the Palestinian (PV) and Babylonian system (BV):

PV: Amos 5.9: מִבְצָר	—	BV: 2 Chron. 17.19: הַמִּבְצָר
Cant. 5.13: מִגְדָּלוֹת	—	Cant. 4.4: מִגְדָּל
Isa. 32.15: מִדְבָּר	—	Deut. 9.28: מִדְבָּר
Ps. 9.8: לְמִשְׁפָּט	—	Prov. 1.3: מִשְׁפָּט
Jer. 51.20: מִלְחָמָה	—	Prov. 20.19: מִלְחָמָה
Ps. 26.8: מִשְׁכָּן	—	Prov. 26.8: מִשְׁכָּן

## § 101. CONCLUSIONS

The prefix מ in nominal forms is vocalized מ in some cases, and מ in others. As the classification of these forms (in §§ 90–99) and the external evidence from the Palestinian and Babylonian vocalization prove, nouns vocalized מ and those vocalized מ represent formations which were independent of one another. Thus the theory about a "Verduennung" of *a* into *i* is without basis.

## C. GENERAL CONCLUSIONS

As a result of our researches we now arrive at the following conclusions which represent an attempt to establish the main characteristics of Hebrew phonology prior to the Masoretic activities towards unification and standardization of the basic texts into the Masoretic Bible, as has been demonstrated in § 1 of this study.

1. Hebrew originally had three vowels: *a*, *i*, *o(u)*; cf. HPT, chapter C and note 60 there.

II. The phonography ( , or \_ for *a*; \_ or . for *i*; ' or , for *o*) does not indicate any differentiation of these basic three vowels as to quantity or quality; cf. §§ 50–56; 57–70; 71–82.

III. A syllable may therefore be either open or closed, regardless of the graphic form of the vowel-sign which is used to indicate its vowel.

IV. The division of the *shewa* into *shewa quiescens* and *shewa mobile* which is based on the assumption that the vowel of the preceding syllable necessarily is either short (*shewa quiescens*) or long (*shewa mobile*), is invalid for pre-Masoretic Hebrew.

v. *Dagesh lene* is younger than the misconception of , and , as *hatefs* (cf. § 39). It is inconsistently put both in initial (cf. HPT, § 43) and in medial position (cf. here §§ 11–27). Consequently, the terming of a *shewa* before a בּגדכּפת without *dagesh lene* as *shewa medium* has no foundation.

VI. A consonant with *shewa* may as well be deemed the close of the preceding syllable, as the beginning of the next one; cf. above Rule IV. The *dagesh forte* to substitute for such a consonant with *shewa* (cf. § 1, Rule VIβ) is based on the assumption that the vowel of the preceding open syllable is short and consequently must be closed. This assumption is inconsistent with our Rules I–III (above); thus *dagesh forte* is merely an innovation of the Masoretes.

VII. The Hebrew alphabet consisted of 22 sound consonants. The singling out of the letters אהחע for special treatment is only Masoretic: (a) the combination of the laryngals אהחע with the liquid ך is strange; ך belongs together with ל. — (b) on the inability of these letters to accept *dagesh forte*, which results in the lengthening of the preceding short vowel in an open syllable, cf. above Rules VI and II; also § 5. — (c) on the vocalization of the אהחע with *hatefs*, cf. §§ 36–39. — (d) as to the vocalization of the prefix in the imperfect *kal* with \_ or , before a אהחע, while otherwise the prefix is vocalized with . (e.g.:

יְהִי, as compared with יִשְׁמַר): ֿ and ֿ represent here *one* vowel, corresponding to the ֿ in the Babylonian vocalization. Thus the original vowel *a* was preserved under the influence of the fact that the consonantal value of the laryngals was equally ֿ; cf. § 39.

VIII. Since the phonography did not differentiate between long and short vowels (cf. above Rule II), a vowel in an open syllable remained, even though in the course of the declension this vowel became two syllables removed from the stressed one (cf. § 2b); cf. in *TRL*, paragraph XXVIa the statement: "I am inclined to consider as the most characteristic feature of the pronunciation of Hebrew, as reflected in the transliterations, the fact that the vocalization of the noun does not undergo any changes — except in the latter period — when suffixes are added to it, or when the noun is being put in the plural." (Note the many examples!) In addition to the instances from the Palestinian vocalization which are listed in *TRL*, paragraph XXIX B under 6, 8 and 10, I now wish to call attention to: Isa. 40.8: (וּדְבָרַי אֵינוּ); ib. 44.26: (עֲבָדוֹ); Ps. 26.8: (מִשְׁכֵּן); Jer. 30.18: (שְׁבוֹתָ אֶהְיֶה לְיָעֶקֶב); Isa. 44.26: (וְעֵצָתָ מִלֵּאכֵיוֹ); these are cases of nouns in the construct state with preservation of their first vowel. Similarly in the Tiberian vocalization: Jer. 3.23: (הָמוֹן הָרִים) as compared with the marginal reading in the Bible 1515/17: הָמוֹן.

IX. The differentiation of the *dagesh* as *dagesh lene* and *dagesh forte* is based on the assumption that in either case the *dagesh* fulfills a different function. This assumption has no basis in pre-Masoretic Hebrew: we have direct evidence to the contrary in the transliterations (cf. *TRL*, paragraph XXIII under the letters בּוּדְכַפֶּת) and in a Tannaitic tradition contained in a statement in b. *Berakhoth* 15b (attention to which has been called by Paul Kahle in *Marti-Festschrift*, Giessen 1925, p. 171). Consequently, in dealing with the *dagesh* as an innovation of the Masoretes

(cf. above Rules V and VI), we shall consider the terming of a *dagesh* in question as *forte* or *lene* irrelevant.

x. The rules for the insertion of the *dagesh* (cf. our definition of *dagesh* in the preceding Rule IX) according to the Tiberian vocalization may be formulated thus: *Dagesh* was inserted as a means by which to indicate that the vowel-sign of the preceding syllable indicates a short vowel. Of the 22 letters of the Hebrew alphabet (a) one half (=11: חטילמנסצקש) get it, when the preceding syllable is open; (b) one quarter (=6: בנרדכפת) always; and (c) one quarter (=5: אהקער) never. Only after the Masoretes had introduced the division of the Hebrew vowels into long and short, according to the external form of the vowel-signs used, did it become necessary to emphasize this division by the innovation of the *dagesh*. Cf. in TRL s. v. גל: γαλειμ B — γαλλειμ A; s. v. שחל: αλωης B — αλλωης A; s. v. קר: ακως B — ακκως A; s. v. קט: ακαταν B — ακκαταν A.

xi. The terms context-forms and pausal-forms of nouns and verbs are based on a misconception. The accentuation of a nominal or verbal form does not influence its vocalization; cf. §§ 40–48

a) The so-called pausal-forms of verbs are in reality verbal forms with preservation of the second vowel; cf. *HPT* note 184 and the cross-reference to *TRL* there.

b) Pausal-forms of nouns are in reality another form of the noun in the absolute state and represent a different class of the root in question, as compared with its so-called context-form. Cf. the following examples (taken from *MdO*, *MTK*, and *TRL*, respectively):

1. קָטַל: *kill*-form: Gen. 39.12: וְקָטַל; but *kall*-form: Ezek. 18.7: בָּגַד and Ex. 40.13: בָּגֵד.
- קָטַל: *kill*: Num. 5.21: וְקָטַל; but *kall*: Gen. 30.2: וְקָטַל and בָּטַל, βατνε.

קָבַר: *kill*: Jer. 20.17: קָבַרִי; but *katl*: Gen. 23.9: קָבַר and Jer. 20.17: קָבַרִי.

וְקָצַף: *kill*: Isa. 60.10: וְקָצַפִּי; but *katl*: Eccl. 5.16: וְקָצַף and Ps. 102.11: קָצַפִּי.

שָׁבַט: *kill*: Prov. 13.24: שָׁבַטוּ; but *katl*: Ex. 28.21: שָׁבַט and βαβτ.

שָׁכַל: *kill*: Dan. 8.25: שָׁכְלוּ; but *katl*: Job 17.4: מְשָׁכַל and Dan. 8.25: שָׁכְלוּ.

שָׁמַשׁ: *kill*: Jer. 15.9: שָׁמַשָּׁה; but *katl*: Eccl. 1.3: הַשָּׁמֶשׁ and χσαμs.

2. חָסַד: *kill*: εσδ, חסדִי; but *katl*: חָסַד and חסדִי.

דָּרַךְ: *kill*: δερχ, דרִכִּי; but *katl*: דָּרַךְ and דרִכִּי.

נָפַשׁ: *kill*: νεψσ, נפִשִּׁי; but *katl*: נָפַשׁ and נפִשִּׁי.

Similarly: מָלַךְ is a *kill*-form, cf. μελχει, מלכִיָּה, melchechem, μελχαμ; the *katl*-form is not preserved in the absolute state, but only with suffixes, cf. מָלַכִּי etc. The forms with suffixes according to the Tiberian vocalization are thus taken either from the *kill*- (cf. under 1) or from the *katl*-group (cf. under 2).

XII. Thus in the so-called *nomina segolata* the Masoretic Bible exhibits, in the combination of the so-called context- and pausal-forms with the forms with suffixes, a mixture of nominal forms which originally belonged to two different classes: *katl* and *kill*. The nominal formations with prefix מ represent a similar mixture, according to the vocalization of this prefix as מֶ (conform with the Babylonian system) or as מֻ (as in the Palestinian vocalization); cf. § 101. *The composite character of Masoretic Hebrew is thus established.* This thesis I laid down first in *TRL*, paragraph XXVIII; further evidence see in *TRL*, paragraph XXXIII and passim throughout, e. g. § 88 under 1; but most especially in *HPT* from § 44 on (e. g. § 44 with note 83; § 45 with note 87).





סוד חתום וכמוס וסתום ויחפש דעת רזי  
 כבוד עדין הניעו, ועמדו כל נביא וכל חוזה  
 שזכרו ופארו והדרו וסדרו שיר נעם מעותי  
 יקרו וקדושתו שלשו ורחשו וחדשו קרא זה אל זה  
 ככתוב וקרא זה אל זה ואמר קדוש קדוש קדוש

כוונת פסאד ותכנת ותקנת וירם ויעל  
 לפנים זכת והקימת והתמת תכונת פעל  
 מרוחק המציאו ויתכונן ברשיונך בלי געל  
 נאומך ותכמתך הם מוצא ומקור כל מפעל  
 סוף מזמתך הפיקו ורצונך הוקם על  
 עמודי רום הצבת וחצבת והרפבת על  
 פאתי עץ ופארי אונך מאין תמד ורוע ויד ושעל  
 צררת בלבארץ מים וצרת והסגרת ותגעל  
 קשרת בכנף רוח סערה גלי מים וכנשא דכים כל ימעלו מעל  
 רוח תנופה גלגלים מתנופפים ושואפים צל גבוה ממעל  
 שומר והוא רבם ובעלם וחשים לכרע בלי ברבים לבעל  
 תמונת יצירי תחת מארבע הקימות ומאחת חקת ותפעל כל  
 תמונה אשר בשמים ממעל

15

20

ממעל כס הנפלא והנעלה, ממחנה  
 סביבו מקיפים שרפים פליאי צורה, עליוני  
 גאנה, בלי אנה ותקנה, אחוזי  
 רתת ופחד ומורא מהדר יקר, עוזי  
 נורא מהשיג ונשגב מראות, הודו עין לא תחנה  
 והיענה מלאכי רום שואלים אינה  
 מקום אין לו מקום, מי זה  
 בא בחדר גנזי וגנזי?

25

### מ.

21 לבעל, כמו רבם ובעלם באותה שורה; לכרע לבעל, חידוד חריף למלכים א, יט, יח.

פיוט זה הוא מסוג הפיוטים העתיקים הנדירים המורכבים מחרוזים שונים. משורה א' עד ט' החרוז גומר ב.תה'; משורה י' עד סוף הא"ב בשורה 22 הוא גומר ב.על', ובחלק השלישי ב.זה'. ב.אוצר השירה והפיוט' הוא רשום בחור שיר אנונימי, ובמ' כ"ג הוא נמצא בחור חדק מהקרובה של ר' יצחק נ' גיאת. אבל על פי בית כ"ב הנומר את החלק השני של החרוז המורכב אפשר לומר לנו כאן האקרוסטיכון של המחבר: יצ-רי חק-ת. מקומו של פיוט זה הוא אולי בחלק הפיוטים לניאת לעיד אבל מכיון שאין זה מן הנמנע שהאקרוסטיכון הזה הוא מקרי השראתו בחלק הפיוטים הסתמיים.

יבא לציון חילים      חילים יקבץ לדירותם  
 זרועים בקל קצוות      יבנס לטירותם  
 קדוש יזכר      ויחדש אותם  
 ואני זאת בריתי אותם

20

(שם נ"ט, כ"א)

אותם יפרה היום      ולעד לנהלם  
 חוכים בך יעלו      במקדש ובולם  
 זמר יתנו לך      צור ישראל וגואלם  
 קדוש אין בלתיך      צופה כל נעלם  
 עזרת אבותינו אתה הוא מעולם

25

## מ.

## מעמד למוסף

סימן: א"ב ובבית 22: יצחק (?).

מחזור ב"נ, דף קל"ג, עמוד ב'.

ובכן נעריצך אלהינו

אגדות קדושות חבֵרְתָּ וחמֵדְתָּ והקדֵשְׁתָּ  
 בְּמוֹ נִפְאֲרְתָּ ונִתְקַדֵּשְׁתָּ  
 גִּזְרֵי פִלְאֵי חֲכָמוֹת הַשְּׁמַעְתָּ וְחִכְמָתָּ וַיִּדְעָתָּ  
 דְּרָכֵי מִדּוֹתֶיךָ בָּהֶם נוֹדְעוּ ונִשְׁכַּלְתָּ ונִשְׁגַּבְתָּ ונִוְדַעְתָּ  
 הַשְׁכַּל מִצּוֹר שְׁכָלְךָ הַפֹּאֲרָתָּ וְגִדְרָתָּ וְנִקְרָתָּ  
 וְהִנֵּה הוּא יוֹרָה כִּי כָל פְּעֻלָּתָּ וְלֹא נִפְעַלְתָּ וַיִּצְרָתָּ וְלֹא נִוצַרְתָּ  
 זְהִרֵי אֹר הַזְהִרְתָּ וְהַשְׁקַעְתָּ וְהִבְקַעְתָּ  
 חוּוֹ כִּי נוֹרָא אַתָּה וְאוֹר לְכִסְאֲךָ הַקִּפְתָּ וְהִסְבַּבְתָּ  
 טָבַע מְכוּן אָדָם טָרָם יִסְדָּתָּ וְהִצְמַדְתָּ וְהַעֲמַדְתָּ מוֹשֵׁב אֱלֹהִים יִשְׁבַּתָּ  
 יִשְׁבַּתָּ בְּאֵין מוֹשֵׁב וְעַד לֹא תַחַת וּמַעַל

10

## לט.

זולת

(סימן א'—י')

מחזור ב"נ, דף נ"ו, עמוד א'.

וְאָמַר אֲדִיר שׁוֹכֵן מְרוֹמֵי      בְּקִבְצֵי אֲתֶכֶם כְּהִבְטַחַת נְחוּמֵי  
 נָדָר אֲנִידֵר פְּרָצוּתֵיכֶם      וְאֶסְקַל אוֹרְחוֹתֵיכֶם עָמִי  
 וְאָמַר סֵלֹו סֵלֹו פָּנֹו דֶּרֶךְ      הָרִימוּ מִקְּשׁוֹל מִדֶּרֶךְ עָמִי  
 עָמִי שְׁבִטִי צֹאן מִרְעִיתִי אַחֵן וְאַחֶסָה  
 כִּי כֹה אָמַר יְהוָה וְנָשָׂא

(ישעיהו נ"ז, ט"ו)

8

כִּי לֹא לְעוֹלָם אָרִיב      דֶּרֶכִּי לְהֶאָרִיד אִפִּי וְחִמָּתִי  
 הֲלֹא אֵת הַשָּׁמַיִם וְאֵת הָאָרֶץ      אֲנִי מֵלֵא בְּחִמָּלָתִי  
 וְעַתָּה שׁוּבוּ אֵלַי וְאֶשׁוּבָה      אֲלֵיכֶם בְּאִמְרָתִי  
 עֲשִׂיתִי לוֹ קֶצֶף וְלֹא כִמְכַת מִכֶּהוּ  
 בַּעֲזוֹן בָּצָעוּ קִצְפָּתִי וְאַכְהוּ

(שם שם, י"ז)

10

דֶּרֶכִּי וְהָרוּ כְּאוֹר      בְּהִכְיָנוּ שְׁבִילִי  
 חָמַל חִמָּלָתִי      בְּמִיטֵב מְלוּלִי  
 טַעַם אֶרְבָּעָה דֶּרֶכִּי תִשׁוּבָה      בְּשׁוּמוֹ לְמוּלִי  
 וְאֶנְחָהוּ וְאֶשְׁלֵם נְחוּמִים      לוֹ וְלֶאֱבָלִי  
 וְלֶאֱבָלִי מִלְּלָתִי הֲלֹא תִשׁוּבוּן בִּינְתִים  
 בּוֹרֵא נִיב שְׁפָתִים

15

(שם, שם, י"ט)

## לט.

הפיוט בנוי על פרק ישעיהו נ"ז, י"ד—כ'.

הויחזון ז'ל ב,אוצר השירה והפיוט, כרך ד' עמוד 154 סימן 32 רושם על פיוט זה. שלמה  
 חזק חזק. ואני אין אני יכול למצוא את השם. שלמה' בראשי התחזוים או במקום אחר שבפיוט  
 זה. האקריסטיכון אינו מתמלא אפילו אם נסכים בדוחק לציין את המלים, שוכן' בשורה א'  
 ולעולם' בשורה 6.

13 ארבעה דרכי תשובה, רמז למה שנאמר על כמה מדרכי התשובה ביומא פ"ו, ע"א:  
 שא"ל רבי מתיא בן חרש את ר"א בן עזריה ברומי שמעת ארבע חלוקי כפרה שהיה ר' ישמעאל  
 דורש וכו'.

15 הלא תשובונו: כך תיקנתי. ובמקור בסירוס המובן: לא תשובונו.

## לח.

## סליחה צליצור

מחזור ב"ג, דף ק"י, עמוד ב'.

חטאנו צורנו סלח לנו יוצרנו

אָרומם שם האל המיוחד	אָאדיר אל רם בלי כחד
אִיחדנו במוֹרָא ופחד	יִי אלהינו יי אחד
אָחד הָיָה וְיִהְיֶה	וּלְעַתָּה אֲשֶׁר הָמִית יְחִיָּה
בְּיוֹם הַהוּא יִהְיֶה	יִי אָחֵד וְשִׁמוֹ אָחֵד

(מכריה י"ד, ט')

מִיִּיחֵד אֱהִיָּה אֲשֶׁר אֱהִיָּה	הוּא הָיָה וְיִהְיֶה
הוּא מָמִית וּמַחֲיָה	לְפָנָיו לֹא נֹצֵר אֵל וְאַחֲרָיו לֹא יִהְיֶה
יִהְיֶה וְהָיָה מִיִּיחֵד בְּמִרוֹמוֹ	בְּרוּךְ שֵׁם כְּבוֹד מְמָקוֹמוֹ
הוּא אֱלֹהִים חַיִּים וּמִלְךְ עוֹלָמוֹ	מִקְצָפוֹ תִּרְעַשׂ הָאָרֶץ וְלֹא יָכֹלוּ
	גוֹיִם וְעַמּוֹ

(ירמיהו י"ז, י')

אָבְרָךְ שֵׁם אֵל טוֹב לְקוֹנֵיו וּלְחוֹבָיו

וּמִשְׁנֵב לְשׁוֹמְרֵי דְרָכָיו וְתוֹמְכָיו	
חַיָּה יְחִיו בְּרוּכָיו וּמְבוֹרָכָיו	הֵן אֱלֹהִים קָצוֹת דְּרָכָיו
דְּרָכָיו יִגִּידוּ בְּמַעַרְכָיו	כִּי סוֹמֵךְ הוּא לְתוֹמְכֵי דִין וְסוֹמְכָיו
גַּם צַדִּיק בְּכָל דְּרָכָיו	בָּרְכוּ יִי מִלְּאָכָיו

(תהלים ק"ג, ב')

שְׁמֵךְ נִקְרָא עָלֵינוּ	מַחֲה רָע מִעַלְלֵינוּ
אֲשֶׁר נֹאֲלָנוּ וְאֲשֶׁר חֲטָאנוּ	אֵל תִּזְכֹּר לָנוּ
לָנוּ הַעֲתֵר מִמְּרוֹמֶיךָ	חֲטָאֵינוּ תִשְׁקִיעַ בְּזַרְמֶיךָ
רַחֵם לְמַעַן רַחֲמוּמֶיךָ	מִהֵר יִקְדָּמוֹנוּ רַחֲמוּמֶיךָ

(שם ע"ט, ח')

## V

## לו.

יוצר ליום כפור

(סימן א'—י')

מהזור ב"נ, דף צ', עמוד ב'.

אל ארך אפים ורב חסד נוצר לאלפים חסד כי עם יי החסד  
 בזאת הבטיח שובה משובה אליו לטובה כי הוא רוצה בתשובה  
 גדול שומע נאקה ומדבר בצדקה וחפץ להצדיקה  
 דרוש דלותנו אליך לשובבנו זכור כי עפר אנחנו  
 הנחלת ישע לעם שבי פשע רצית בעם בך נושע  
 ומכל ימות השנה עשור לקחת לכפר חטאת עם בחרת  
 וממציאתי הורית

זרע ישרון לשמך סגלת וסודך למו וכן לכל גוי לא עשית  
 חנון ורחום אתה תשובה הורית וממשפטיך לא סרת  
 טוב אתה לרעים ועל צרים מרעים ומבכיר רשעים  
 יוצר ומרחם על מודיו וחזמל על מעשה ידיו ומושיע לשבים  
 עדין

ברחום בן תבסף למעשה ידיך ואל תרף ידי מעבדיך  
 ותאסף לב ידיך ונשיר לך שיר חדש ואולים ברוע ידיך  
 בגילה ברנה בשמחה בחדוה פצו ואמרו:  
 מי כמכה באלים יי מי כמכה נאדר בקדש נזרא  
 תהלות אל עושה פלא

## לו.

3 להצדיקה=להצדיק.

4 דלותנו, מלשון דלו עיני למרום.

11 תכסף, לשון אהבה.

10-12 לשבים, גאולים, אבל במקור לשבי, גאולי-וחיקנתי. ומי שרוצה לקרוא כמו במקור

הרשות בידו מפני שקיצורים כאלה נהוגים בפיוט העתיק.



נין יהודה היום      בנפש צמים  
 הן בודוי יחד      לנגדך נואמים  
 אין בנו זך      אבל אנחנו אשמים  
 שיחנו יערב      בקרבן אשמים  
 ענה בחסד וברחמים      לבני יהודה

10

(במדבר א', כ')

יום להלל קמתי      בשחרי ונשפי  
 יום לך קרבתי      נפשי בכפי  
 יום אני ערבתי      לך מהלל פי  
 יום סליחה אבקש      לקשי ערפי  
 הושע יי      את אהלי יהודה

15

(מכריה י"ב, ז')

רם ותחת סובל      אטף נדחה  
 פדות שלח לה      מחטא בו נסרחה  
 יום אשר כפלים      בו לקחה  
 הגיונה תשעה      בקרבן מנחה  
 מלאכי רם יאמרו      וזאת ליהודה

20

(דברים ל"ג, ו')

העבר פשע      אדון עולם עליין  
 כוננה קדוש      ושובב עם אביון  
 העלות עולות      ודת הגוי בהגיון  
 נגדה אז ישמח      צורי ועיר הר ציון  
 ותגלנה בנות יהודה

25

(תהלים צ"ז, ח')

## לו.

10 בודוי, כן במקור ואולי צ"ל בןעוד.

19 סובל=נושא שמים וארץ, כנוי לאלהים בפיוט; צפניה ג', י"ט: והנדחה אקבץ.

26 העלות, ובמקור בטעות בעלות ועי' אוצר השירה והפיוט, כרך ד' עמ' 204 סימן 4.

28 לשון הכתוב: ותגלנה.

הַן צַר לָאָחֹר	נֶאֱמָו וְשָׂאֻלוּ
בֶּן יָם לְפָנִים	אֶן יִשׁוּעוֹת וַיִּגָּאֻלוּ
הַשִּׁיבָם הַצִּיר	רְאוּ יֵשַׁע תִּיחַלוּ
נָסִים וְעַל הַיָּם	שִׁירָה תִּמְלָלוּ
חֲנוּ וְהִקְרִיבוּ	פְּסָחִים וְאָכְלוּ
מִצּוֹת, וְקוֹל תּוֹדָה	נָתַנוּ וּפָלְלוּ

10

## לו.

תפלת מנחה (ליום כפור).

סליחה

סימן: אני רפיה הכהן.

מחזור ב', דף קס"ז, עמוד ב'.

(ט' תנועות)

קוֹל בְּנֵי אֵיתָנִי	שָׂאוּ בְּרַעְדָּה
קוֹל בְּיָחוּד בְּנֵי	בְּדַת וּתְעוּדָה
קוֹל פִּיכֶם יִשְׁעָה	בְּקֶרֶב תּוֹדָה
וְעֶרְבָה לִי	מִנְחַת־יְהוּדָה

(מלאכי ב', ד')

אֵלֵי לֶךְ אֲרִים	קוֹלִי בְּשִׁיחִי
אֵל בְּיָדְךָ אֶפְקִיד	נַפְשִׁי וְרוּחִי
אֵל דָּבַר פִּי תִרְצֶה	בְּקֶרֶבֶן זִבְחִי
בְּזָכוֹת נָם: שְׁמַע	יִי קוֹל יְהוּדָה

5

(דברים לג, ז')

6 ויגאלו, כלומר, מתי תבאנה הישועות שתגאלנה אותנו.

7 הציר, כך חיקנתי לפי כנויו של משה ובמקור, ניכר בשעות הדפוס או סופרים:

הצ' (?).

10 אחרי חרח זה חסרים אולי שני חרוזים המתחילים באותיות ז' וק' להשלמת חוקי.

יִסּוֹד נֶפֶשׁ תְּאֻנָּה	לְבָא לְמוֹלוֹ
וַיִּשְׁעוּ תְּקוּנָה	לְשֹׁכֵן בְּצִלוֹ
לְבֹן תְּחִינָה	עֶצֶם נִדְלוֹ
תּוֹדָה חֲסָדִיו	קִוָּה קוֹיָתִי

(תהלים מ ב')

הֵן קְלוּתִי	מִלֶּסְפֶּר נִדְלָךְ	15
וְאִם אֲבִיתִי	לְהַגִּיד מִהֶלְלָךְ	
כָּל יְמֵי הַיּוֹתִי	אַחֵר תִּנְמוּלָךְ	
וְתַמִּיד אוֹתָךְ	לְנִגְדֵי שׁוֹיָתִי	

יתהליכ טו, ח')

כְּמַהִים הֵם נֶצַח	נֶפְשִׁים וּלְכָבוֹת	
לָךְ צוּר נֶצַח	אַלְפִים וּרְכָבוֹת	10
הַהוֹד וְהַנֶּצַח	אֲנָעִים בְּחִבּוֹת	
כִּי בִיָּדְךָ אֶפְקִיד	רוּחִי וְנִשְׁמָתִי	

ישם ד א' ו')

## לה.

חזון דשבת וחוד"מ של פסח

רשות לנשמת

לרבי רפיה הכהן ז"ל

סימן: רפיה.

101. דף פ"ד, עמוד א'.

רָם, פְּלִאֲיָךְ רָאוּ	יּוֹם זֶה בָּעֵת עָלוּ
פְּדוּיִים שְׁתֵּי מִצּוֹת	שְׁשׁוֹ כְּנָגְאָלוּ
יַחַד בְּמִדְבָּר	הֵם עָמְדוּ וְנִקְהָלוּ
הוֹמִים פְּחוּדִים	מִצָּרִים וְנוֹאָלוּ

14 במקור ספק. קוה' ספק. הן' ובחרתי כנ"ל לפי הכתוב.

## לה.

2 שתי מצוות=בשתי מצוות, כלומר, מצה וקרבת פסח.

## IV

שְׁלֹשָׁה שִׁירִים שֶׁל רַפְּיָה הַכֹּהֵן.

## לד.

מִחֶרֶךְ

לְשַׁבַּת בְּרֵאשִׁית.

סִימָן: רַפְּיָה כֹהֵן.

חז. דף א', עמוד ב'.

<p>יִשְׁעִיהוּ נִז', מ"ז</p>	<p>הֵן כְּסִיתִי אֲנִי עֲשִׂיתִי</p>	<p>עַל בְּלִימָה אֲדַמּוֹת רוּחַ וְנִשְׁמוֹת</p>
<p>מִפְּלֹאוֹת צוֹרֶךְ נִשְׁמַת חֲדָרֶיךָ נָעַם שִׁירֶיךָ (תהלים קל"ט, י"ד)</p>	<p>רָאָה וְהִתְבּוֹנֵן יָחִיד כּוֹנֵן וְעַל זֹאת תִּשְׁנֶן אוֹדְךָ עַל כִּי</p>	<p>5</p>
<p>נִפְשֶׁךָ יוֹדַעַת בְּחֻכְמָהּ וּבְדַעַת עֲגֻלָּה נִקְבַּעַת (מא ח', י"ג)</p>	<p>פְּלֹאוֹת בְּעֲשׂוֹתָ. וְשַׁחַק בְּנִטּוֹתֵי וְעַל תְּהוֹם אֲדַמְתִּי בְּלִי פֶעַל יָד</p>	<p>10</p>

## לד.

כְּרָאִי לְשִׁים לֵב לְזוֹהַי שְׁוֹהֵי הַפֶּעַם הָרֵאשׁוֹנָה שְׁפִיּוֹט מִפִּי טַן בְּשֵׁם רַפְּיָה הַכֹּהֵן מִתְּפָרֶסֶם בְּדַפּוֹס וּשְׁמִשְׁמו כִּמְעֻט שֶׁלֹּא שָׁמְעֵנוּ בְּלַתִּי הַיּוֹם. צִרִיךְ לְשַׁעַר בּוֹדָאוֹת שְׁפִיטָן זֶה הִיָּה מִן הַמּוֹרָח, מִן קִהְלוֹת הַמַּסְתַּעְרִבּוּיּוֹת אוֹ כִּפִּי שֶׁהָיוּ נִקְרָאִים הַיְּהוּדִים מִן הַקִּהְלוֹת הָאֵלּוּ מְגִרִיבִים אוֹ Morescos. צוֹנֵץ «נְעוּאִמְמַעֲלֻטֶּע שְׁרִיפֻטֶּען, חֶלֶק 2-3, בְּפֶרֶק. נִאֲמַעֵן דַּעַר יוֹדַעֵן עֶמּוֹד 20) מִבִּיא בֵּין הַשְּׁמוֹת הָעֶרְבִיִּים אֶת הַשֵּׁם רַפְּיָה, הַרְשׁוֹם בְּדִיוּאָן כ"י מִסְפֵּר 189 וּמִצִּיֵּן שֶׁהוּא מֵת בִּשְׁנַת 1114, וְאוֹלִי הוּא הַפִּיטָן דֵּן. וּשְׁטִינְשְׁנִידֶר בְּמֵאֲמָרוֹ und Zeitgenossen des Moses ibn Ezra מוֹכִיר בְּרֵשִׁימַת הַפִּיטָנִים Jehuda ha-Levi בְּסִפֵּר זְכָרוֹן לְאַבְרָהָם אֵלִיהוּ הַרְכָּבִי עֶמּוֹד 134 מוֹכִיר בְּרֵשִׁימַת הַפִּיטָנִים אִישׁ אֶחָד בְּשֵׁם, רַפִּיא בֶן בּוֹאז'.

4 נִשְׁמַת חֲדָרִיךְ=חֲדָרִי נִשְׁמַתְךָ.

9 הַשִּׁיעוֹר הוּא: אֲדַמְתִּי קְבוּעָה וְעִגּוּלָה עַל תְּהוֹם.

10 בְּלִי פֶעַל יָד, כִּי אִם בְּמֵאֲמָר פִּי.

## לג.

ואלו פינו דראב"ע ז"ל

סימן: אב(רס).

חז. דף צ"ט, עמוד א'.

(שש תנועות)

לנו כטל תהיה	נפרח בשושנה
ימלא שחוק פינו	ולשוננו רנה
אמיר-אל האמירו	שח נבהות קומתו
מיום שמים עירו	ונלה מאדמתו
נדרל עליו שברו	אכן על אשמתו
ונברת תחת יד	האמה מתענה
ולחכביר מס עלי	אויבתי מתאנה

5

דנו כטל תהיה

בתי למה וחלה	מאויבים דת שנו
אעשה כל מה שאלה	ממני יום פנו
דרך וקול אקרא ולה	כרם חמר ענו
אני יי נוצרה	לרנעים אשקנה
פן יפקד עליה	לילה ויום אצרה

10

## לג.

חזון יום שני מהאחרונים של פסח.

בפיט זה, ניכר, שחסרים שני חרוזים בהתחלת אותיות ר' ומ' להשלמת שם הפייטן. אברם, וקרובה ההשערה שמסדר המחזור השמיטם מפני חוסר מקום.

7 מתאנה, לפי מלכים ב' ה', ז'.

8 שנו, לצורך החרוז אפשר אולי לנקד שנו, מלשון ואני ה' לא שנית, מלאכי ג', ו'.

9 ממני, ובמקור ממנו (?).

11-12 אני-ישעיהו כ"ג, ג'.

מאַרצף נָדוּ	אַל כָּל גָּבּוּל בָּנִים
בְּמַעַט וְנִכְחָדּוּ	בְּרִדּוֹת יְדֵי מוֹנִים
שׁוֹכֵב וְיִפְדּוּ	אִזּוּ יִהְיוּ עוֹנִים
אַבָּן מֵאִסּוּ הַבּוֹנִים	הִיתָה לְרֹאשׁ פֶּנֶה

(תהלים קי"ח, כ"א)

## לב.

כָּל עֲצֻמוֹתֵי דָרָאב"ע ז"ל

סימן: אברם.

חז. דף צ"א, עמוד א'.

(ח' תנועות)

אֲרִזִּי לְבָנוֹן שִׁבְרָתָּ	בְּמַצְרִים עַת עֲבֹרָתָּ
אוֹיְבִים בָּיִם סוּף נִעְרָתָּ	כִּי לֹא לְגִגְדָם שְׁמוּדָּ
בְּפִרְעָה פָּעַלְתָּ פֶּעַל	וְהַשְׁלַכְתָּ עָלָיו נֶעַל
וַתִּשְׁלַח אֶת חֲמַתְךָ עַל	גּוֹיִם אֲשֶׁר לֹא יָדְעוּךָ

(ירמיהו י', כ"ה)

רָעִים וְצָרִים אֲבִירָתָּ	וּבְכוּרֵיהֶם הִכַּחֲדָתָּ
וְעַמֶּךָ פָּקֵד פָּקֵדָתָּ	יְיָ בַּצָּר פָּקֵדוּךָ

6

(ישעיהו כ"ו, ט"ז)

מָכּוֹן לְשִׁבְתְּךָ פָּעַלְתָּ	תְּהִלָּה לְעַם זֶו יַצֵּרְתָּ
וּלְהֵם תּוֹרָה הִנַּחְתָּ	עַל כֵּן עֲלָמוֹת אֶהְבּוּךָ

(שה"ש א', ג')

11 נדו, ואצלנו נדרו, נדר המשקל.  
12 ברדות, כך לפי איגוס ואצלנו ברבות(?)

## לב.

חזון יום שביעי של פסח.  
3 והשלכת, לפי תהלים ס', י'.



(נשמת) קדושים קוראים לשוכן רום והרום רגליו בקלד  
 אשר צר בחקמה צורת הנלד  
 צנה להקדיש בקרף וצאנה אשר לה תולד  
 כל הבכור אשר יולד

30

(דברים ט"ז, י"ט)

## לא.

ואלו פיט דרב"ע ז"ל

סימן: אברס.

חז. דף צ', עמוד ב'.

— — — — —

לנו בטל תהיה נפרח בשושנה  
 ימלא פינו שחוק ולשוננו רנה (תהלים קכ"ז, ב')

אלי כה נלתי אודך בשירתי  
 גואל היש בלתי שמך בצרתי  
 הואל וצא אתי אחרי ולקראתי  
 קומה בעזרתי החזק מגן וצנה (תהלים ל"ח, ב')

5

רוחות יקר רחפו עלי ורעיוני  
 לימי אמת כספו יום יכלו שוטני  
 שם קדשך נדפו עד נפלו פני  
 איך תאמר כי יי אלהיך אל קנא (דברים ה', ט')

10

## לא.

חוון יום שביעי של פסח.

הפיוט הזה נמצא בדיואן ראב"ע לאיגוס סימן קל"ד ושם הוא חסר ומסורס בכמה מקומות.  
 ע"ד יד הנוסח שלנו הפיוט נמצא שלם ומתוקן. אבל לפי המשקל יוצא שבכמה מקומות אצל איגוס  
 הניסח הוא הנכון. עשיתי איפוא את התיקונים לפי נוסח זה. אבל סימני המשקל ממעל לפיוט  
 אצל איגוס הם מוטעים.

3 נלתי, כך לפי איגוס ובמקור שלנו: אילותי, נגד המשקל.  
 4 כספו, כך תיקנתי ובמקור נכספו נגד המשקל; יכלו, תיקון לפי איגוס ואצלנו, יכדיון  
 נגד המשקל.

5 עד נפלו, ואצלנו, עוי כי נפלו, בליקוי המשקל.

(נשמת) רְצוּיִם יֵצְאוּ חֲפָשִׁים עַל יַד יְקוֹתֵי־אֵל  
 אֶל אֶרֶץ וְבֵת חֶלֶב וּדְבַשׁ מְקוֹם מְקֻדָּשׁ אֲרִיאֵל 10

הָעֵנָן בְּדֶרֶךְ וּשְׂכִינְתָּהּ לִפְנֵיהֶם אֵל  
 וְנִמְתָּ לָהֶם קֹדֶשׁ לִי כָּל בְּכוֹר פֶּטֶר כָּל רָחֵם בְּבִנְיִישְׂרָאֵל  
 (שמות י"ג, ב')

(נשמת) הַמְּקַרְאִים סִגְלַת עַמִּי  
 וּמִי־חֲדָיִם תָּמִיד בְּכָל יוֹם לְשָׁמִי  
 לִפְרֹשׁ עֲלֵיהֶם סִבַּת שְׁלוֹמִי 15  
 אִם בָּסָף תִּלְוֶה אֶת עַמִּי

(שמות כ"ב, כ"ד)

(נשמת) מְהֻלָּלִים בְּקוֹל קְדוֹשׁ וּבְרוּךְ עוֹנִים  
 גּוֹי מִתְחַת וּמִמַּעַל שְׁנֵאָנִים  
 לְעוֹזֵר רִאשׁוֹנִים וּמַעֲזוֹר אַחֲרוֹנִים  
 וַיֹּאמֶר יי אֵל מֹשֶׁה פָּסַל לָךְ שְׁנֵי לְחוֹת אֲבָנִים כְּרִאשׁוֹנִים 20

(שם ל"ד, א')

(נשמת) חִילִי קָהַל אֱמוּנִי  
 רָאוּ הַקּוֹל יוֹצֵא מִפִּי הַגְּבוּרָה עַל הַר סִינִי  
 בְּבִרְקִים וְעֲנָנִים לִפְנֵי הַמוּנִי  
 כָּנָם: וַיִּדְבֹּר יי אֵל מֹשֶׁה בְּמִדְבַּר סִינִי

(במדבר א', א')

25 (נשמת) וְכִים טְהוֹרִים מְכַל עַם  
 יִשִּׁירוּ לָךְ שִׁירָה בְּטוֹב טַעַם  
 אֲשֶׁר הוֹצֵאתָ מֵאֶרֶץ־מִצְרַיִם לְעֵינֵי כָּל הָעָם  
 וַיְהִי בְשִׁלַּח פָּרְעָה אֶת הָעָם

(שמות י"ג, י"ז)

9 רצוים, כנוי לישראל; יקותיאל=משה, לפי מגידה י"ג, א'.  
 17-18 שנאנים=מלאכים ובמקור שאננים (?); לפי הציור החביב על הפייטן: ישראל  
 מחפלים למשה ובאותה שעה המלאכים מהללים ליוצרים למעלה.

רֹאיתָ עִם אֵין בּוֹ      כַּח לְדָבָר שׁוֹנִים  
הַעֲלִיתָ מִקֶּרְבוֹ      וַיִּבְזוּהוּ מוֹנִים  
וַיֹּאמֶר אֶל לְבוֹ      אִם רַבּוּ הַשָּׁנִים  
חֲסְדֵי אֵל נֶאֱמָנִים      סְמוּכִים לְעַד לְעוֹלָם

15

(שם קי"א, ח')

מִדּוּעַ נִמְשָׁכָה      תּוֹחֶלֶת בְּדָ מְקוֹה  
לֹא עֲלֵתָה לָּהּ אַרוּכָה      כִּי כָל הַיּוֹם דָּוָה  
בְּזָכֶר עִיר הַמְּלִיכָה      צִיּוֹן כִּי שָׁם צָנָה  
יֵי אֶת הַבְּרָכָה      חַיִּים עַד הָעוֹלָם

(שם קל"ג, ג')

## ל.

נשמת דראב"ע ז"ל.

סימן: אברהם חזק.

חו. דף פ', עמוד ב'.

(נשמת) אַמּוּנִיד קוֹרְאִים בְּגֵרוֹן  
יַפְצִיחוּ לָךְ שִׁיר וְשִׁבַּח וַיִּנְעִימוּ בְּקוֹל רֶן  
וְאֵלֵתָם מִשְׁעָבוֹד מִצָּרִים בֵּיד מֹשֶׁה וְאַהֲרֹן  
וְהָיָה הַיּוֹם הַזֶּה לָכֶם לְזִכְרוֹן

(שמות י"ב, י"ד)

(נשמת) בְּרוּרִים עוֹבְרֵי יָם סוּף אִישׁ וְאִשָּׁה טָף וְיֶלֶד  
שׁוֹרְרוּךְ זֶה אֵלֵי וְאַנְהוּ בְּתַהֲלָה וּבְסֶלֶד  
אִמְרַת לָהֶם כִּי תִבּוֹאוּ אֶל הָאָרֶץ טִבּוֹר הַחֶלֶד  
שׁוֹר אוֹ קֶשֶׁב אוֹ עֹז כִּי יֵלֶד

(ויקרא כ"ב, כ"ז)

12 שונים, מלשון ועם שונים אל תתערב (משלי כ"ד, כ"א).

13 מקרבו=מקרבו עם מצרים; מונים, לשון עשרת מונים; ואולי הכיוון מלשון והאכלתי את

מוניך.

## ל.

ליום טוב ושבת (של פסח).

4 לכם, חסר במקור. 5 ברורים, כנוי לישראל.

7 טבור הארץ, שופטים ט', ל"ז ועוד; טבור החלד=ארץ ישראל, לפי מדרש תנחומא הוצאת

בובר קדושים י': כשם שהטיבור הזה נתון באמצע האיש כך ארץ ישראל טיבורה של עולם.

## כט.

מחרך צוולדט

צראב"ע ז"ל

(לחן) לנו לנו כמל

סימן: אבר (ה)ם.

חו. דף ע"ו, עמוד א'.

(ו' תנועות)

שׁוֹבָה שְׁבִיתָנוּ      נָשִׁיר כִּימִי עוֹלָם  
עֲזַרְתָּ אֲבוֹתֵינוּ      אֲמָה הוּא מַעוֹלָם

אֲמָה אֵל חַי נַעֲלָה      רַעֲיָךְ מֶה יִקְרוּ  
הַבֵּט פּוֹנִים לַמַּעֲלָה      וּדְבַר עֲתָק דְּבָרוֹ  
עִם הַצֶּעִיר נִקְלָה      וּבְנֵי הָרֵב גָּבְרוּ  
אֲחֻת אַח לֹא שָׁמְרוּ      הִפְרוּ בְּרִית־עוֹלָם

5

(ישעיהו כ"ד, ה')

בְּנֵךְ הַבְּכוֹר מִקְרָא      נִינְיוֹ מֶרֶה צָרְחוֹ  
תַּחַת מְשַׁפֵּט בְּכוֹרָה      כַּפְלִים אֲזַ לְקַחוּ  
הַפִּיטָם אֵל בַּעֲבָרָה      וּכְמַת מֶלֶב נִשְׁכָּחוּ  
נִפְשׁוֹתָם בַּעֲבֻדוֹת סָרָה      גַּם שְׁמֻחוֹתָם בָּרָחוּ  
קָרֵב הִקְץ וַיִּשְׁמָחוּ      כֹּל חוֹסֵי בֶךְ לַעוֹלָם

10

(תהלים ה', י"ב)

## כט.

חזון לתאני יום ליל פסח.

לחן. "לנו" שתי פעמים בודאי בטעות סופרים והכיוון הוא לאחד מפיוטיו של הראב"ע המתחילים. לנו כטל תהיה" והם נמצאים להלן בסימן ל"א ובסימן ל"ג או לפיוטו של ר' יצחק נ' גיאת הנמצא לעיל בסימן ט'.

3 רעיק, תהלים קל"ט, י"ז.

4 הפונים למעלה נגד ה' ברברי עתק (תהלים צ"ד, צ').

5 צעיר=יעקב; רב=עשו.

7 מקורא, לפי ישעיהו מ"ח, י"ב.

8 כפלים, ישעיה מ', ב'.

9 וכמת, תהלים ל"א, י"ג.

10 נפשותם=חרותם, מלשון שבת וינפש.

וּמְרוֹמָם עַל כָּל בְּרָכָה וּתְהִלָּה  
אֲתָה שְׁמַת חֶק עוֹלָם בַּל תִּמָּשׁ  
אֲתָה הַכִּינּוֹת מְאוֹר וְשִׁמְשׁ

5

(תהלים ע"ד, ט"ז)

בְּיָדְךָ כָּל סְבִיבוֹת הָרוּחַ תִּרְצֶן  
בְּנֵאוֹת יָם תִּמָּשֶׁל לְבַל יְהִי חֶק פּוֹרֵץ  
אֲתָה הַצִּבְתָּ כָּל גְּבוּלוֹת אֶרֶץ  
וְזֶרַח הַשֶּׁמֶשׁ וּבָא הַשֶּׁמֶשׁ

10

(קהלת א', ה')

רְמִי לֵב תִּשְׁפִּיל וְתַחְזִיק יָד מְטִים  
כֶּסֶּא גְבוּל גָּבוֹן לַעֲשׂוֹת מִשְׁפָּטִים  
עֵינֵי יי הִמָּה מְשׁוּטָטִים  
עַל כָּל אֲשֶׁר נַעֲשָׂה  
תַּחַת הַשֶּׁמֶשׁ

15

— ט', נ' (נ')

מְעוֹן יָשׁוּב עוֹד אֶל עִיר מִקְדָּשׁוֹ  
נִשְׁבַּע בִּימִינוֹ עַל זֹאת לִקְדוּשׁוֹ  
חֶשֶׁף יי אֶת זְרוּעַ קִדְשׁוֹ  
נִגַּד כָּל יִשְׂרָאֵל  
וְנִגַּד הַשֶּׁמֶשׁ

—

(ש"ב י"ב, י"ב)

כח.

חזון פסח.

6 תרץ=תשקיט, לפי תהלים נ', י"ח.

12 ברה"י ב, ט"ז, ט' הלשון היא: ענינו משוטטות, והפייטן משתמש בלשון זכר לצורך

החרוז.

16 מעון, כנוי לאלהים.

(נשמת) בָּרָה בְּהִתְיַצְּבָה בְּקֶרֶב הַקֶּרֶב  
בְּחֶקֶן אֲשֶׁת־עֵשָׂע בְּחַג הַמִּצּוֹת אֶעֱלֶה הָרֶב  
בְּרֹאשׁוֹן בְּאֶרְבֶּעָה עָשָׂר יוֹם לַחֹדֶשׁ בְּעָרֶב

(שמות י"ב, י"ח)

(נשמת) רִוְחָךְ הִבִּיאֲנִי בְּבְרִית חֶשְׁקֶךָ  
רָמָה כָּךְ יְדֵי רִוִּיתִנִּי בְּטַל אִוְרוֹת חֶקֶיךָ  
רֹאשׁ דְּבָרְךָ אֵמֶת וְלַעוֹלָם כָּל מְשַׁפֵּט צְדָקָךָ

(תהלים קי"ט, ק"ס)

(נשמת) 10 הַצּוֹר עָלֵי אָמוּנִי חֶק  
הוּא הַבְּטִיחַ אָמוֹן בְּשִׁבְיָם בְּשִׁכּוֹר חָג  
הַשִּׁיר יִהְיֶה לָכֶם כְּלִיל הַתְּקֵדָה שִׁחָג

(ישעיהו ל', כ"ט)

(נשמת) מֶלֶךְ חִתָּה עֲבוֹד בּוֹ יִרְץ  
מְתָקוֹ לוֹ מַעֲשָׂיו וּמַעֲדָנָיו תִּשְׁבַּע תָּמִיד בְּאֵין קֶרֶץ  
מִטַּל הַשָּׁמַיִם וּמִשְׁמַנֵּי הָאָרֶץ 15

(בראשית כ"ו, כ"ח)

## כח.

מאורה

דְּרַאב"ע ז"ל

סימן: אברם.

חו. דף ס"ג, עמוד א'.

(ה' תנועות)

אֵל רֹאשׁוֹן בְּאֵין סוּף      וְאַחֲרוֹן בְּלִי תַחְלָה  
אֶחָד וְאֵין שְׁנִי      לֶךְ תַּאֲוֹת תַּהְלָה

4-6 ברה, כנוי לישראל (איוב י"א, ד'); הקרב, כמו הקרב-על הים.  
7-9 בחרו זה מרומות קבלת התורה.

10-12 חק הג-איוב כ"ו, י'; אמון=מצרים, כנוי לפרעה (תהלים ק"ז, כ"ז: יחונו וינעו כשכור);  
בשבים, כך חיקנתי ובמקור: בְּשִׁבְיָן. הוא, הצור, הבטיח לפרעה את המכות והפורעניות שמפחדן  
נע כשכור; בשבים, כשהיו ישראל (אמוני) נמצאים בגלות מצרים.  
13 מלך חיתה, כמיו פיוטי דמלך החיים שירצה בעבודתו של ישראל.



רוחי תישר וּתְנַחֲנִי      יְהִי לְעִבְדְּךָ  
תִּפְקַח לִבִּי וְאַתְּ עֵינִי      לַחֲזוֹת כְּבוֹדְךָ  
מַעֲנֶה לְשׁוֹן תַּחֲנִנִי      הַכֹּל בְּיָדְךָ  
טוֹב מִפְּעֻלּוֹתֵי. הֵם קָרְבָּנוֹתֵי.      עִם מַתָּנוֹתֵי. וּפְרִי שְׁפָתֵי  
וְרַעֲיוֹנֵי  
קַחנָא בְּרָכָה

15

מָלַךְ אֶחָד אֲשֶׁר אֱלֹוִי      כָּלוּ נַפְשִׁים  
כִּי מִהֲלָלוּ בְּמַעַלְלֵי      רָאוּם דְּרוּשִׁים  
יוֹשֵׁב קֶדֶם וּמַפְעֵלֵוִי      כָּל עֵת חֲדָשִׁים  
עִם דּוֹר אֲבוֹתֵי. גַּם עִם שְׁנוֹתֵי.      אֶף תּוֹלְדוֹתֵי. כִּי כָּל יְמוֹתֵי  
בּוֹ יִחְזוּ עֵינֵי  
אוֹת הַמְּלוֹכָה

20

### כז.

חזון פסח.

נשמת

זראב'ע זי'ר

סימן: אברהם.

חז. דף ס', עמוד א'.

(נשמת)      אֱלֹוִהּ בְּאִפּוֹ כְּמַעֲיֵן גִּנִּים  
אֲמַתּוֹ תַּעֲמִידֵנִי אֶהְיֶה בְּקִרְבִּי רַעֲנָנִים  
אֲנִי לְדוֹדֵי וְדוֹדֵי לִי הָרוּעָה בְּשׁוֹשָׁנִים

(שה"ש, ו', ג')

13 יה, חסרה כאן תנועה.

18 קח, לפי מ"ב, ה', ט"ו.

20 מהלליו, איג'רס: מעלליו.

22 איג'רס: ועם תולדותי; גם, אף, ובמקור: ועם שנותי. ותולדותי.

### כז.

1-3 לפי שה"ש ד', ט"ו כמעין גנים באר מים חיים, רמו לתורה; אמתו=תורת האמת שלו  
מקימה אותי ומעוררת בקרבי רענונות.

## III

שמונה פיוטים ל' אברהם אבן עזרא

כו.

חזון שבת הגדול

כל עצמותי

לראב"ע ז"ל

סימן: אברם.

חז. דף מ"ט, עמוד ב'.

— — — — — | — — — — — (שורה 3-1)  
 — — — — — (שורה 4)  
 — — — — — (שורה 5-6)

אָפּס בּלָתֶד בַּעַת צָרָה      עַל כֵּן לְבָבִי  
 בָּטוּחַ בְּךָ וּמָה אֵירָא      וְאַתָּה סָבִיבִי  
 מִגֵּן בַּעֲדֵי כְיוֹם עֲבָרָה      מִצָּר יְרִיבִי  
 אַתָּה מַחְנוּתִי. אִישׁ מְלַחְמוֹתִי.      שֶׁר רַבְבוֹתִי. מוֹל שְׁנֵאוֹתִי  
 אַתָּה בְּחִיק מוֹנִי      5  
 קִשְׁת דְּרוּכָה

בְּךָ לְדָרוֹשׁ אַתָּה רְצוֹנָד      שְׁמֶךָ קָרָאתִיו  
 וְלֵהֲתַנְפֵּל לְפָנֶיךָ      לְבִי מִצָּאתִיו  
 אֵלֶיךָ אֶל מַעוֹנֶיךָ      מִשְׁאֵת נִשְׁאֵאתִיו  
 כִּי מַחְשְׁבוֹתִי. הֵם מַעֲשָׂרוֹתִי.      10  
 אֲשִׁי וְקָרְבָּנִי  
 נִפְשׁ שְׁפוּכָה

כו.

הפיוט הזה שהוא בצורת ה. מושח' נמצא בדיואן ראב"ע לדר' איגרס (103), אבל שם הפיוט כולל רק את החרון השני (6-12) והרביעי (19-24) והשאר חסר. צונץ וליטעראטורנעש. ד. סינאג. פאעזי עמ' 208, 675) ראה את הפיוט בשלימותו שכן הוא מזכיר גם את החרון הראשון המתחיל. אפס בלתיך.

5 מוני, לפי ישעיהו מ"ט, כ"ז. 7 כך, ואיגרס מנסח: בי.

10 אף, הוספתי מדעתי ובמקור, ודברותי.

11-12 איגרס: נפשי; תפלה במקום קרבן.

## דברו

מבכי מנעי את קולך      סוערה כים הזמיה  
שכחי כל חרדת אבך      מאניה ואניה  
ממעוף צוקה אנאלך      מעני גלות ושביה  
קול מבשר טוב לגאולי      צהלי קולך בת גלים  
(ישעיהו י', ל')

5

שבתתי לכם ברחמים      עם מתי אום לא רחמה  
תשתי עוד כוס תנחומים      תשמעי אמרי נחמה  
יושבי חשך שוממים      זרחה לכם אור החמה  
נחזון נחמי שבילי      יחזו המשכילים  
(דניאל יב, י')

10

העלו שירים המריצו      עם סגלה מתי מספר  
ולשם אל העריצו      כי בריתכם לא תופר  
אחרי כאריה רוצו      וירימכם מגוש עפר  
כי דברו נר לרגלי      צור עושה אורים גדולים  
(תהלים קל"ו, ז')

3 מבכי, ירמיהו ל"א, ט"ז.

9 לפי ישעיהו ט', א'.

10 המשכילים, הבאתי את השם מדניאל מפני שהוא הקרוב ביותר לכינונו של הפייטן.

14 דברו, תהלים קי"ט, ק"ה.

5

מְנַדְּחִים	וְנִאֲנָחִים	הֵם שׁוֹכְחִים	אֵת רִבְצָם
מְקַבְּצִים	וּמַעְרִיצִים	יְשׁוּבוֹן אֶל	מְחוֹ חֶפְצָם
בְּרוֹן יִשְׂאוּ	וְיָבֹאוּ	כִּי מְלֹאוּ	יְמֵי קֶצֶם
לְהוֹשִׁיעַ	לְהַשְׁמִיעַ	לְצִיּוֹן	הַנָּה הַנֵּם

(ישעיהו מ"א, כ"ז)

10

שְׁבוּת צִיּוֹן	בְּשׁוֹב עַלְיוֹן	לְמִקְדָּשׁ אֵל	יִצְאוּ מִשָּׁם
בְּאֶקְדָּחִים	מִפְתָּחִים	יְכַוֵּן אֵת	מִקְדָּשָׁם
בְּאֵין אֲנָחָה	וְצִנְחָה	וְשִׁמְחַת עוֹלָם	עַל רֹאשָׁם
וְצוּר עֲזָם	וּמַעְזָם	מוֹשִׁיעַם	וּמַגֵּנָם

(תהלים קט"ו, י')

15

וְהִמְרִיצוּ	וְהַעֲרִיצוּ	לְאֵל רָם	קְדוֹשׁ יִשְׂרָאֵל
יִנְחָמְכֶם	יְקַבְּצְכֶם	אֵל מִקְדָּשׁ	הַהֲרָאֵל
וּבְנֵי שְׁלֹשָׁה	בְּקְדוּשָׁה	יְקַדִּישׁוּ	שֵׁם הָאֵל
בְּאֲרָאֵלִים	בְּחִשְׁמָלִים	בְּשִׁנְאָנִים	בְּמַעֲוֹנָם

## כה.

## מאורה

ל'ר' משה ו' עזרא ז"ל

לנועם שבחי נפשי

סימן: משה.

חו. דף ק"מ, עמוד ב'.

(ז' תנועות)

יִשְׁרוּ דְרָכֵי מִסְלִי	וְהִלְכוּ לְצִיּוֹן גְּאוּלִּים
דְּבָרוּ עַל לֵב אֲמִלִּי	נִחְמוּ נִחְמוּ אֲבֵלִים

15 שלשה=אבות.

16 כשנאנים, כך תיקנתי, אבל במקור כשנאנים.

## כה.

חזון שבת נחמו.

לנועם פיוטו של רשב"ג, שבחי נפשי לצורך כי לכבוד עזר יצרך'.

1-2 לפי ישעיהו מ'; והלכו, שם ליה, ט'.

שָׁרַשׁ יְשִׁי בְּתַעֲצוּמִים      אֲשֶׁר הוּא עוֹמֵד לְנֶס עַמִּים

5

בְּהִכְרִית צָרִים עִם קָמִים      אִזּוּ יֵאָשְׁרוּהוּ כָּל לְאָמִים

אֵלָיו גּוֹיִם יִדְרֹשׁוּ

(שם י"א, י')

וְהִיְתָה כְבוֹד מְנוּחָתוֹ

הֵן רַב טוֹב שְׁנִמְלָנוּ      וַיִּמְרַב צָרוֹת גְּאֻלָּנוּ

10

וְעַל בְּמַתִּי צָר הֶעֱלָנוּ      כֵּן בְּחֶסֶדּוֹ יִזְכְּרֵלָנוּ

אֶת בְּרִיתוֹ אֲשֶׁר כָּרַת

(תהלים ק"ה, ט')

אֶת אַבְרָהָם וּשְׁבוּעָתוֹ

הֵן עוֹד יָדוֹ לֹא תִקְצָר      יַעֲנֶה קוֹרְאִים מִמָּצָר

15

וְעַם הַצּוֹעֲקִים מִיַּד צָר      בְּכָל צָרָתָם לֹא צָר

וּמִלֵּאד פָּנָיו הוֹשִׁיעֵם

(ישעיהו ס"ג, ט')

בְּאַהֲבָתוֹ וּבְחֶמְלָתוֹ

## כד.

חזון שבת נחמו

אופן

לרבי משה נ' עזרא ז"ל

סימן: משה.

חו. דף ק"מ, עמוד א'.

יְנַחֲמוּ	יְרַחֲמוּ	בְּנֵי אִישׁ תָּם	רַב אוֹנָם
בְּגִלוּתָם	בְּכָר עֲנוּתָם	דָּם תִּרְדָּנָה	עֵינָם
לְהַצִּילָם	וּלְנַאֲלָם	צִיר אֲשַׁלַּח	לְמַעַנָם
בְּהִכְטָחָתִים	וּנְחַמָּתִים	וְשִׁמְחָתִים	מִיְגוֹנָם

(ירמיהו ל"א, י"ב)

## כד.

המשקל בשיר כ"ד נמצא רק בשני הטורים הראשונים; בשני הטורים האחרונים אפשר לסדר את המשקל על ידי תיקונים קלים, אבל נמנעתי מזה.  
כד. 1 אוֹנָם=צערם, מלשון אנינות.

5 כי כל פחי ועז ידי ריק  
ואין לי לערר עת צרתי בלתי שירי ותפילתי

שמש מרפא באורך זרחה  
לי, יום נפשי אנני שחה  
בן ברצונך תן לי הנחה  
ואחזה ארוכה לתרופתי ומחלות תחת מחלתי

10 הנה כבודך מלא קרבי  
ועל עצמתך עדיך בי  
אך לספר לא ישיג לבי  
ואם אהללך בתפילתי הן מחשבתי מחטאתי

15 קשורה בגו בלי מגרעת  
מחמתך תערה דעת  
לך נמשלת ובך פוגעת  
ליוצר אותי יש בי אותי והנה שפתי בי ונשפתי

### כג.

דשבת וראש חדש  
דרבי משה ׳ עזרה ז"ר  
סימן: משה.

חז. דף מ"ה, עמוד א'.

(ו' תנועות)

מרום מרום שמי קדשו יפן ברחמי אומתו  
ונעלה ישובב למקדשו להשתחוות לשם תפארתו  
מדי חדש בקדשו  
ומדי שבת בשבתו

(ישעיהו ס"ו, כ"ג)

5 לערך, לפי איוב ל"ב, י"ד: ולא ערך אלי מלין. ■ הנחה=מנוחה, אסתר ב', י"ח.  
12 לספר, לפי בראשית ט"ו, ה'. ■ מחולות-מחלתי, לנעיל.  
17 אותי, השני, מלשון אות וסימן. ואולי חסרים כאן שני בתים להשלמת קטן'.

### כג.

1-2 איומה, נעלה, כנויים לישראל; ישובב=ישיב.



תַּרְנֶנָּה שְׁפָתַי כִּי אֶזְמְרֶה-לָךְ

(תהלים ע"א, כ"ג)

וּנְפָשִׁי אֲשֶׁר פָּדִיתָ

שׁוֹקְלִי כֶפֶר גִּזַּע בָּא מִבֶּא

נְשֻׁמָּה 5

יִשְׁבְּחוּנֶךָ שׁוֹמֵר עִם קְרוֹבוֹ

פֹּדֶה יְיָ נֶפֶשׁ עֲבָדָיו וְלֹא יֶאֱשָׁמוּ

יִלְד, כ"ג

כָּל הַחֲסִים בּוֹ

הַמְשַׁלְּמִי שְׁקָלִים לְבָדֶךָ הַבֵּית וְהָעֲדוּת

נְשֻׁמָּה

יְהוֹדוּךָ וַיְהַלְלוּ לְמוֹצֵיא אוֹתָם לְחֵרוֹת מַעֲבָדוֹת

10

כִּי עִם יְיָ הַחֶסֶד

(שם ק"ל, ו')

וְהִרְבֵּה עֲמֹ פְדוּת

פּוֹעֲלֵי רְצוֹנֶךָ בְּכָל מְאֻנִּים

נְשֻׁמָּה

שִׁירוֹת וּזְמִירוֹת יִתְּנוּ לְאֵל מֶלֶךְ חַי וְקַיִם

אוֹמְרִים וְאֵלּוּ פִּינוּ

15

מָלֵא שִׁירָה בָּיִם

## כב.

### מחרד

ד'ר' משה ו' עזרה

ליום פורים

סימן: משה ק (שן).

חו. דף ד"א, עמוד ב'.

(ח' תנועות)

תִּנָּתֵן לִי בְשֵׂאלֹתַי נֶפֶשִׁי וְעַמִּי בְּבִקְשָׁתִי

מִי יִתֵּן לִי בְּגֵד אֶרְחִיק

בְּיָדִי חֶמְלָה בְּיָדִי מַחֲזִיק

5 בא מבא, כנוי ליצחק.

## כב.

פיוט בצורת ה'מנושח'.

שְׁקֹד תַּתָּה      סְפִידָה      בְּיוֹם צָר לִי  
וְהִבְטָטָה      צָרָתִי      בְּיוֹם חִילִי  
וְהִקְדַּמְתָּ      לְשִׁקְלִי      אֶת מַעַט שִׁקְלִי  
וְזֹאת חֲקִי      הִקְדַּמְתָּ לְהַחֲפִישִׁי      וְזֹאת שִׁקִּי      פִּתְחָתָה וְצִאתָ חֲפָשִׁי  
(תהלים ל', י"ב)

10      הֲלֹא כּוֹפֵר      עַל עַם דָּתְךָ      קִלְקַל  
עָלִי סֶפֶר      בְּחֻקְתָּ      מַחְצִית שִׁקְלִי  
בְּלִי הֶפֶר      וּבְזֹאת סִבְּלוֹ      תִּקַּל  
וְאוֹר צִדְקִי גָלִיתָ וְאוֹר שְׁמִשִּׁי      וּבְמִצּוֹקִי      הִלַּךְ צַל עָלִי רֹאשִׁי  
(איוב כ"ט, ג')

15      חֲסִידֶיךָ      יְבוֹאוּנוּ      כְּמַעֲזוֹלִים  
יְדִידֶיךָ      יִנְתְּקוּ      מוֹסְרוֹת עוֹלָם  
חֲסִידֶיךָ      יִהְיוּ      בְּמַהֲלָלִים  
בְּלֵב נָקִי      בְּשֶׁבֶת יוֹם נֶפֶשִׁי      וְצוֹר חֲשָׁקִי      תִּבְרַכְךָ מְאֹד נֶפֶשִׁי  
(בראשית כ"ז, ד')

## כא.

נ ש מ ת

ד'ר' משה ו'ן עזרא

סימן: משה.

חז. שם.

נִשְׁמַת      מְשַׁמְעִין עַל הַשְּׁקָלִים מֵאֲזוּ בְּהַעֲדָתָהּ  
יְמַלִּיכוּךָ, כִּי לָךְ מְלוּכָה יֵאָתֶה

6 שקד=לשקוד על דלתות בתי החפלה.

9 להחפיש=לשחרני.

10 יחזקאל כ"א, כ"ו: קִלְקַל.

13 צל, ולשון הכתוב, נרד.

15 ינתקו, ובמקור, נתקו.

## כא.

לשבת שקלים.

1 והבטוי בנמרא הוא, משמיעין על השקלים.

2 יאתה, לפי ירמיהו י', ז'.

נְחָשְׁכוּ יוֹם בּוֹאֵם בְּצָר	וְחִילּוֹ לָבֶשׁוּ זַעַם
חֶשׁ לְהִשְׁבִּית חֶקִי דָתוֹ	וּלְטַמֵּא אֶת הַיְכָלָם
טָמְנוּ לִי פֶחַ וְרָשָׁת	אֶךְ בְּתוֹכָהּ בָּאָה רַגְלָם
וּלְנִגְדִי דָרְכוּ קָשָׁת	וַיִּשׁוּבּב חֵץ לְכַסְלָם
כִּי הִמּוֹנִי רַחֲמָיו יָשָׁת	חַל וְחוֹמָה כִּימִי עוֹלָם
בְּכָל צָרָתָם לוֹ צָר	וּמִלֵּאדָּה פָּנָיו הוֹשִׁיעַם
בְּאַהֲבָתוֹ וּבְחַמְלָתוֹ	צוּר כְּמֵאָז הוּא נֶאֱלָם

## כ.

מחרד  
 דר' משה נ' עזרא  
 דנועם ארוממך כי  
 סימן: משה.

חו. דף ט"ז, עמוד א'.

בְּיוֹם צַעֲקִי מִצָּר וּפַח מוֹקְשִׁי	לְבַד חֶלְקִי יִי	אָמְרָה נִפְשִׁי
מִצָּאֲתָנִי	יְד דּוֹמָה	וּבֶן מִשָּׂא
הַצִּיָּתָנִי	וְאִין מִשְׁקַל	לְעַל מִשָּׂא
לֶךְ עֵינִי	בְּתַחֲנוּנִי	לֶךְ אֶשָּׂא *

5 שְׁעָה נֶאֱקִי הַקְּשִׁיבָה לְקוֹל רַחֲשִׁי בְּיוֹם דְּפָקִי דְּלִתִּיד בְּיוֹם קִדְשִׁי  
 (שה' ש' ב', ה')

18 דוידוון, כרך רביעי עמוד 238 סימן 61 משער שכאן חסרים בתים כדי להשלים. קטן.

19 וישובב, אבל החץ לא עף דנגדי כי אם אל שונאי.

21-22 ישעיהו ס"ז, ט'.

## כ.

חזון שבת שקלים. בפיוט זה יש משקל יסודי — — — אלא שהוא מסורס בכמה מקומות. הפיוט מחובר בצורת ה'מוֹשֶׁח' (שיר האזור הערבי); לנועם פיוטו של ר' אברהם אבן עזרא. ארוממך כי נשגב כבוד שמך ואורך כי נפשי בידך (ראה. אוצר השירה והפיוט' לר' ישראל דוידוון ז"ל).

2-3 דומה, משא (בראשית כ"ה, י"ד), כנויים למלכות ישמעאל; ועל שמות מעין אלה בתור כנויים לעמים שונאי ישראל ראה צונץ, די סינאג. פאעזיע עמוד 437 ואילך. משא-משא, הקבלה.

## יט.

א ה ב ה

זר' משה נ' עזרה

לחן חסדי האל

סימן: משה (קטן).

חז. דף י"ב, עמוד ב'.

(שבע תנועות)

וּבְרִיתוֹ מְהוֹדִיעֵם	סוֹד יִי מְכַל נִבְצָר
כִּי בְחָרָם מִימֵי עוֹלָם	בְּלַעֲדֵי נוֹצְרֵי מַצּוֹת
צָר הָכִי רַבָּה שְׁטָמְתוֹ	מִנְעוּרֵי אוֹתִי צוֹרֵר
כִּי עַדִּי נִצַּח אֵיבָתוֹ	גַּם דֶּרֶכִּי מֵאֵז סוֹרֵר
לְהַחֲזִיק בְּאֵל וּבְדָתוֹ	אֵד לִבִּי הוּא מִתְעוֹרֵר
וְאֶמְרֵיו אֶמְרֵי־נֶעֱם	כִּי לְמִגְדַּל־עֵז וּמִבְצָר
כִּי כֹהֲרֵ־שָׁמֶשׁ הָלָם	אֶחָלִי שׁוֹמְרֵי תוֹרָתוֹ

סוֹד

מְשַׁפְּטֵי עוֹלָת אֵת עַמּוֹ	שָׁפְטוּ אַרְבַּע מַלְכוּיֹת
מִבְּלֵי חֲטָא לְשַׁפֵּךְ דָּמוֹ	וַיִּרְקוּן חֶרֶב פִּיּוֹת
כָּל אֲשֶׁר נִקְרָא בְּשֵׁמוֹ	וַיִּצְווּ אֵין לְהַחֲיוֹת
בְּחֻזַּת קֶצֶר מִטָּעֵם	וַיְהִי עֲזָרְתוֹ מִצָּר
לְהַרְיָמָם וּלְהַצִּילָם	מִקְהָרוֹ צִירֵי חַנּוּתוֹ

וַיַּחֲמֹס יוֹן וְנָסִיו	הֶעֱרִימוֹ סוֹד אֶכְזָרִים
לְהַרְגַּם מֵאֵז עַמּוּסִיו	וַיִּטְוֶשׁוּן כְּנִשָּׁרִים
עַת שְׁמָעוּ פִּרְסוֹת סוּסִיו	וַיַּחֲלִלוּן יְלָדֵי בָרִים

יט.

לשבת תנוכה.

נ' עזרה, במקור בטעות דפוס נ' ערוה. לחן חסדי האל, וזהו פיוטו של ר' יצחק נ' גיאת חסדי האל אגיד בסוד עם ובשרי לו אעבוד.

1 פסוק מטהלים כ"ה, י"ד, ובכתוב: ובריתו להודיעם. 2 רק לנוצרי מצותו.

12 חנוות, לשון רחמים.

14-15 עמוסים, ברים, כנויים לישראל.

ועת סכנה      בזמן שהיה      על שלחנו      מצנה רצויה  
 ובחלון אם      דר בעליה      לפרסם את      הנס שהיה  
 ולהודיע כל הקרת      (בראשית מ"ב, כ"ט)

15 הרצות מעות      אסור לאורו      לבל יהי מבזה      אנוש חק צורו  
 להשתמש בו      הצור אסרו      ועל יד אל יהי      עת מבעירו  
 שמא יאמרו      לצרכו בחרו      ובפנים אל יהי      מכין אורו  
 בהטיבו את הנרות      (שמות ל', ז')

20 קבעו היותו      בשמאל נתונים      ואל ידליקו בם      נרות משנים  
 אך זה מזה      חקים הגונים      ובשבת אם      דולקים ופונים  
 מכבים אותם      ולהדליק שונים      וחרש ושוטה      וקטן משנים  
 ונשים באות אותה מאירות      (ישעיהו כ"ז, י"א)

25 טהורים פרו      בדת יומים      נר שיש לו      פיות שמים  
 מוציא חובת      אנשים שנים      פתילות נתונות      ולו למאמים  
 במקרה יוצאה      בלי עצלמים      ובלבד לכפות      כלי בידים  
 וחרצר שיש לה      פתחים שנים      צריכה שמים      לעינים  
 היותם על פני ארץ מאירות      (בראשית א' ט"ו)

30 נאמו בימים      אלה פליאה      שלא לספר      בם לתלאה  
 ולגמר הלל      בם בקריאה      ולזכר חנכה      בהודאה  
 ובברכת מזון      בסוד באה      וזהיר במצות      ודת נוראה  
 יזכה לבנים      בעלי הוראה      חקת עולם      תהיה לדורות  
 (שמות כ"ז, כ"א)

21 שונים=אחרים.

22 והנוסח במקור שלא לפי דרך הכתוב:

ונשים כדת אותם מאירות, אבל תיקנתי לפי הכתוב כנ"ל.

23 בדת יומים, כלומר של אלפים שנה, מכיון שאלף שנים הם כיום אחד.

24 למאמים, לפי המאמר נר לאחד נר למאה.

## II

שמונה פיוטים לר' משה אבן עזרא

יח.

מאורה

לר' משה נ' עזרא

סימן: משה הקטן.

חו. דף י"ב, עמוד א'.

(ד' תנועות)

שְׁמוֹר דֵּת חֲנֻכָּה לְהִבִּין וּלְהוֹרוֹת בְּהַעֲלוֹתָךְ אֶת הַנֵּרוֹת

מְצוּה לְהַדְלִיק שְׁמֹנֶה שְׁלָמִים וּבְרַךְ רִאשׁוֹן שְׁלֹשׁ פְּעָמִים  
וּזְמַן לְמַעַט בְּשָׁאֵר הַיָּמִים פְּתִילוֹת וּשְׁמָנִים אָסְרוּ חֻכְמִים  
בְּשִׁבְתָּ לִי חֲנֻכָּה יְתִמִּים וְאִם כָּבוֹ הַדֶּלֶק מְקִימִים  
כָּאֲשֶׁר פָּרְשׁוּ מִפְּאָרֵי סְתוּמִים אֲמָרוֹת יִי אֲמָרוֹת טְהוֹרוֹת  
(תהלים י"ב, ז')

שְׁעַת דִּלְקַת שְׁקִיעַת הַחֹמָה עַד בָּלוֹת רָגַל מְשׁוֹק בְּאֵימָה  
וְנֵר אִישׁ וּבֵיתוֹ חֻקָּה שְׁלָמָה נֵר אֶחָד לְחִבְרָה מְצוּה תְּמִימָה  
אֶךְ הַמְּהוֹרֵר לֹאֵל בְּעֶצְמָה נֵר לְכָל אֶחָד בְּדַת שׁוּמָה  
בְּדַבְּרֵי נְבוֹנִים לִזְמַדֵּי אֵימָה הַמְשַׁפְּטִים וְהַתּוֹרוֹת  
(ויקרא כ"ו, מ')

10 הַחֹזֶק בְּמֵאֲמָר בְּנֵי תוֹשִׁיָּה הַיּוֹתוֹ עַל פֶּתַח הַחֲנִיָּה  
בְּטַפַּח סְמוּךְ לְדִירָה רְאוּיָה וְשַׁעוֹר כְּמָבוֹי וְסִכָּה עֲשׂוּיָה

יח.

חזון שבת של חנוכה.

ברוב הכתמים המשורר משתמש בלשון הנגמרא על דיני חנוכה בשבת כ"ב, ע"א וע"ב.

שְׁמוֹר דֵּת חֲנֻכָּה, וּדְוִידוֹן בְּרִישִׁיתוֹ בִּסְפֵר פְּחוֹנְסִקֵי סִימָן 25 מְעִיר: צוֹנֵץ לִיטָנ. 203 מִנְסַח

בשעות: שְׁמוֹר דֵּת חֻכְמָה.

9 אֵיוֹמָה, כְּנוֹי לַחֲזוֹרָה וּלְפַעֲמִים לְיִשְׂרָאֵל.



וְעָלִי נֶאֱסָפוּ

וְדַמִּיתִי כְמוֹ צִי

5 פְּנֵה־נָא אֵלֵינוּ

קִנְיָא לְשִׁמְךָ

כָּל הָעַמִּים

טְבוּעָה בְּלֵב יָמִים

בְּחֶסֶד וּבְרַחֲמִים

לֹא לָנוּ יְיָ לִישׁוּעָתְךָ קִוִּיתִי

(בראשית מ"ט, י"ח)

צִמַּח שְׁלַח־נָא

אֲשֶׁר הִיא דוֹמָה

וְכָל עֲרִיָּה

10 וְהִיא בֵּין הָעַמִּים

שְׁלַח לָנוּ מִהֲרָה

לִפְנֵי בּוֹא

לְסוּעָרָה עֲנִיָּה

לְאֶבֶן דוֹמָיָה

שִׁמְךָ וּשְׁאֵיָּה

חֲשׂוּבָה כְּשִׁבּוּיָּה

יְגוֹן וְאֵלֶיָּה

יּוֹם יְיָ

(יואל ג', ד')

חֹן נָא בְּחֶסֶדְךָ

עַל עַם מְדָכָה

15 אֲשֶׁר נִשְׁאָר בְּגִלּוֹת

הַשִּׁיבֵם כְּקֶדֶם

וּמִלְכוּתָם תַּחֲדָשׁ

בְּשָׁלֶם סָכוּ

וּבְאֹז וּנְהָרוּ

אֵל נֹרָא וְעֲלִיּוֹן

עֲנֵי וְאֶבִּיּוֹן

בְּחֶרֶב בְּצִיּוֹן

בְּרָשִׁיוֹן וּצְבִיּוֹן

בְּגִיא חֲזִיּוֹן

וּמַעֲוֹנָתוֹ בְּצִיּוֹן

אֵל טוֹב יְיָ

(ירמיהו ל"א, י"א)

20 קָרָא נָא שְׁנַת יִשְׁעִי

אֲשֶׁר הוּא בְּכָל יוֹם

וּבְכָל זֹאת עֵינָיו

מְתִי תִשְׁמִיעַם

וַיַּדְעוּ כָּל גּוֹיִם

25 וּקְרָא לָהֶם

לְעַם מִיַּחֲלִיד

נִהְרָג עֲלֵיד

תְּלוּיּוֹת אֲלֵיד

אֶת הוֹד קוֹלְךָ

כִּי הֵם גָּאוּלִּיד

גָּאוּלִּי יְיָ

(ישעיהו ס"ב, י"ב)

3 צי, לפי משלי ל', ט'.

■ דומה-דמיה, לנע"ל.

11 ינון, כנוי למשיח.

18 תהלים ע"ז, ג'.

16 ברשיון וצביון=ברשותך וברצונך.

21 שם, מ"ד, כ"ג.

תורת סבוכה להיות סמוך לארבעת גבוליה  
 יהיו מרבים מחמתה צלליה <sup>30</sup>

צל אילן לא מעשה תחתיו כי אם נחבטו חביליה  
 ונכרת המשא אשר עליה

(שם, כ"ב, כ"ה)

חייב הנהנה מעצי סכה וצרכיה כל שבועה ימים רצופים  
 קבע תהיה ושיבתה ולברך עליה בכל עת חולפים <sup>35</sup>  
 ורשאי לצאת ממנה בהיות גשמים מטיפים  
 בנרם מים בברים שטפים

(שם, כ"ח, ב')

ילידי איתני מארם נהרים  
 צלי אפרש עליכם וצריכם אשיב אחרים  
 חק גלותכם אם נשלם אלה ומאה ושמונים ושירים  
 לשנה הבאה בירושלם <sup>40</sup>

יז.

גאולה

דהריץ ז"ר

סימן: יצחק.

חז. דף קע"ה, עמוד א'.

יחיד ונאדר  
 ראה כי אגלת יד  
 בשמי מרומים  
 וגברו סמים

<sup>30</sup> שם, פרק ב', ושצלתה מרובה מחמתה כשרה.

<sup>33-35</sup> שם, ח': כל שבעת הימים אדם עושה סוכתו קבע; ירדו גשמים מאימתי מותר לפנות

משטח המקפה.

<sup>39-40</sup> הבית הזה הוא מפליא ואומר דרשוני. ניכר בבירור שהמשורר מביע כאן מעין גבואה או בשורה הקובעת את זמן ביאת הנואל. זוהי הפעם הראשונה שגיאת נתפש לבשורת הקץ בפיוטיו. ושירי, כלומר, בהוספת עוד שנים אחדות. כמו: בשנת 1180 בערך. אם התאריך של התחלת הגלות היא שנת 70 לפי הספירה הנוצרית (70+1180) יצא שגיאת חזה את הקץ בשנת 1250 לערך לפי הספירה הכללית. צונץ (עזאמ. שריפט. חלק שלישי, עמוד 224 בפרק Erloesungsjahre) מוכיח אחדים מחכמי צרפת שנבאו על הקץ העתיד לבוא בשנות 1257-1240, והדבר צריך עיון. גיאת מת בשנת 1089.

יז.

חזון ליום שני של סוכות.

<sup>2</sup> סמים=סמי מות.

<sup>1</sup> בשמי, כך תיקנתי ובמקור בשדי (?).

יִקוֹק דְּחוּתִיָּה מְתוֹרֶת קָתַב הוּא מְכַסֶּה  
 10 חֲקוֹק הוּא בְּתוֹרָה שְׁבַע־לֶפֶה מִפִּי רָם וּמִתְנַשֵּׂא  
 טָעָה כָּל מִין בְּמֵאמְרוֹ עֲשׂוֹת לֹא אָנְסָה

(במדבר ט"ז, ל"ד)

כִּי לֹא פָּרַשׁ מֶה יַעֲשֶׂה

יִשְׁרָאֵל הַסּוֹמֵךְ עַל דְּבָרֵי חֲכָמִים סָכָה בַּעֲשׂוֹתוֹ  
 בְּאֶשֶׁר הִגְבִּיהָה מַעֲשָׂרִים אָמָה פְּסוּלָה הִיא לִישִׁיבָתוֹ  
 15 לְהַפְחִיתָהּ מַעֲשָׂרָה טַפָּחִים בְּרֻצּוֹתוֹ  
 נִבְרָיָה עֲבָדָתוֹ

(ישעיהו כ"ח, כ"א)

מַעֲשֶׂה סָכָה מְגִדוּלֵי אֶרֶץ נִקְצְרוֹת וְנִזְמְרוֹת  
 נִקִּים מִקָּבֵל טָמְאָה לַחֲזוֹר וּלְבָרוֹת  
 סוּף סוּף צְרִיכָה כְּהֵנָּה וּכְשׁוּרוֹת

(שמות כ"ח, ז')

שְׁתֵּי כְּתָפוֹת חִבְרַת 20

עֲשִׂית בְּשִׁלִּישִׁית פָּתַח בְּכָבוֹד לָבֹא אֵלֶיהָ  
 פָּרוֹשׁ מִדַּת רַחֲבָה שְׁבַע־טַפָּחִים לְכָל גְּבוּלָהּ  
 צוּוּ נְבוֹנִים לְהִנְאוֹתָהּ בְּמִינֵי מְגִדִּים הָיוֹת הוֹדַעְלֶיהָ  
 בְּחֶתֶן יִכְהֶן פֶּאֶר וּכְכֹלָה תַּעֲדָה כָּלֶיהָ

(ישעיהו ס"א, י')

קוֹל אִם לֹא הִשְׁמִיעַ וְהִתְנַה לְאָכַל מִן הַפִּירוֹת בְּתִלּוֹתוֹ 25  
 רְשׁוֹת אֵין לוֹ לְאָכַל עַד עֲבַר מִצְּוֹתוֹ  
 שִׁית בָּהּ כְּלֵי שְׁרֵת אֵינוֹ רָשָׁאִי אֲבָל זֹאת תִּהְיֶה עֲבוּדָתוֹ  
 עֶרֶךְ הַשְּׁלָחַן צָפָה הַצָּפִית אֲכוֹל שְׁתָּה

(שם, כ"א, ה')

11-12 בבתיס האלה נמצא כנראה רמז לקראים שהיו נקראים. מינים. ה.מין' (הקראי)  
 טוען שהוא לא ימלא את דיני הסוכה מכיון שבמקרא לא פורש שצריך לקיים אותם; ומפני  
 כך הפייטן אומר בבית 13: (אבל). 'ישראל הסומך על דברי חכמים'.

14 לפי משנה שם, פרק א', אבל ר' יהודה מכשיר.

15 שם, ושאינה גבוהה עשרה טפחים פסולה.

17-18 שם, פרק א', ד': וכל דבר שאינו מקבל טומאה וגדולו מן הארץ מסככין

	וְכָל מְשֹׁאבוֹת	נְהָרוֹת רַבּוֹת <sup>15</sup>
(שם, ח', ו')	אֶת הָאֲהָבָה	הַיּוֹכְלוּ לִכְבוֹת
	זָהָב מְרֻבָּה	לְמַת יֵאָבָה
(שם)	תּוֹ בְּאֲהָבָה	אֶת הוֹן בִּי
	לִי וְעֹגֻמָּה:	פֶּץ בְּנֻעִימָה
(שם, ו', ו')	וּמַה־נֶּעֱמָת אֲהָבָה	מַה־יִּפִּית <sup>20</sup>

## טז.

זו ט

להריץ זי

סימן: א"ב, יצחק, יצחק.

חו. דף קע"א, עמוד א'.

אֲבָאָר מְצוֹת סָכָה וּבִהְלֻכוּתֶיהָ יִשְׁנִים אֲנִידָר  
 בֵּין יְבִינוּ בַּעֲלֵי מִשְׁנָה וְאִישׁ אֶת רַעְהוּ בָם יַחֲדָר  
 גְּבֵהַ הַלְכוֹת לִזְלָב בְּעַמְדֵי אֲעוֹדָר  
 וְעַמֶּק סְכוֹת אֲמִדָּר

(תהלים ס', ח')

■ דַּעַת חֲקוּמֶיהָ הָלֹא לְיִשְׂרָאֵל לְתַעֲנוּדָה  
 הַנָּשִׁים וְהַקְטָנִים וְהַעֲבָדִים פְּטוּרִים מִזֹּאת הָעֲבוּדָה  
 וְחֹק מְצוּהָ זֶה הַבְּחוּרָה וְהַחֲמוּדָה  
 מְצוֹת אֲנָשִׁים מִלְּמִדָּה

(ישעיהו כ"ט, י"ג)

<sup>15</sup> לפי מדרש שה"ש רבה: מים רבים אלו אומות העולם... לא יוכלו לכבות את האהבה שהקב"ה אהב לישראל.

<sup>17</sup> זהב, ובמקור אהב בלי מובן, ותיקנת: כג'ל לפי הכתוב.

<sup>19</sup> פץ, לשון פוצה פה; בנעימה=בשירה.

## טז.

חזון יום ראשון של סוכות. ■ בעלי משנה=אלה שלמדו משנה סוכות.  
 3 הלכות לולב, אבל אין הן נזכרות בפיוט ואולי נשמטו על ידי מסדרי המחזור מחסר מקום.  
 4 ועמק, חידוד לכתוב, שם: ועמק סכות אֲמִדָּר.  
 ■ משנה סכות, כ', ח': נשים ועבדים וקטנים פטורים מן הסוכה.

## טו.

אהבה

צהרי"ץ ז"ל

סימן: אני יצחק.

חז. דף ק"ע, גמור ב'.

(ד' תנועות)

אֲנֵעִים חֲבִי	בְּמַהֲלֵל מֶלֶכִּי	(שה"ש ח', ו')
לְבַקֵּשׁ אֶהְבֶּה כִּי	עֲזָה בְּמֹות אֶהְבֶּה	
נֹחֲלִי וְקוֹנִי	בְּמִשְׁכַּב מְלוֹנִי	
אֲזַכֵּר כִּי אֲנִי	חֹלֶת אֶהְבֶּה	(שם, ב', ה')
יֵט כֹּה וְכֹה <sup>5</sup>	לְבִי לְהוֹלִיכֹו	
יַעַן כִּי תוֹכֹו	רְצוּף אֶהְבֶּה	(שם, נ', י')
יִרְאֵי חֶבֶה	הוֹלְכִי נְתִיבָה	
נִמְשָׁכִים בִּי	עֲבוֹתוֹת אֶהְבֶּה	(הושע י"א, ד')
צוּר בּוֹרְאֶכֶם	בּוֹ אֲשַׁבֵּעֲכֶם	
מַצֵּה אֶתְכֶם <sup>10</sup>	הַיּוֹם לְאֶהְבֶּה	(דברים י"א, י"ג)
חֶק זֶה שִׁמְרוּ	וְאַל תִּפְרוּ	
נֹא אִם תַּעֲזוּרְוּ	אֶת הָאֶהְבֶּה	(שה"ש ב', ז' ועוד)
קוֹיֵתִי לוֹ	לְסַבֵּל סִבֵּלוֹ	
כִּי עוֹד הִגְלוֹ	עָלִי אֶהְבֶּה	(שם, ב', ד')

## טו.

חזון יום ראשון של סוכות.

1 אנעים, לשון נעים זמירות.

5 להוליכו, לפי המשקל צ"ל: הוליכו.

7 יראי חבה=היראים מחמת אהבה; הולכי נתיבה=שומרי תורה.

צָנִי צוֹר בְּמִלּוֹלוֹ  
בְּסִכּוּךְ נָאָה לְהַטְלִילוֹ <sup>5</sup>  
בוֹ נִהְרָתִי וּבְצָלוֹ

סָכָה עֲשׂוֹת אִישׁ בְּזָבוּלוֹ  
וּבְרוֹם עֲשָׂרָה לְהַטְלִילוֹ  
חֲמִדְתִּי וַיִּשְׁבַּחְתִּי

(שֶׁה' ש ב', ג')

חֶקֶת סָכָה בְּכָל הַמּוֹנִי  
בַּעֲבוּרָה מִלְּפִי וְקוֹנִי  
רָאָה עָנְיִי וַחֲלָצִנִי

נִהְוָה בְּכָל דּוֹר וַזְּמַנִּי  
תִּמְחַל עָוֹנִי וַדּוֹנִי  
כִּי תוֹרַתְךָ לֹא שִׁכַּחְתִּי

(תהלים קי"ט, ק"ט)

קָנִינוּ עָזָה נְתַתָּה <sup>10</sup>  
וְעַל הַר סִינִי יִרְדָּתָה  
מוֹעֲדֵי זְמַנִּי הוֹרִיתָ  
סִתְרִי וּמִגְנִי אָמָה

לָעָם אֲשֶׁר בּוֹ בְּחִרְתָּהּ  
וְאֶחָת לְעֵין כָּל דְּבַרְתָּהּ  
וְשִׁבַּת קִדְשְׁךָ הוֹדַעְתָּ  
לְדַבְּרְךָ יִחְלָתִי

(שם, שם, קי"ד)

בְּרוּרוֹת מְאֹד מְצוֹתֶיךָ <sup>15</sup>  
שָׁמַח אֲנִי בַּעֲדוֹתֶיךָ  
מָה אֶהְבֵּתִי תוֹרַתְךָ

צְרוּפוֹת כָּל חֻקּוֹתֶיךָ  
וְשֵׁשׁ עַל אֲמֵרַתְךָ  
כָּל הַיּוֹם הִיא שִׁיחִתִּי

(שם, שם, צ"ו)

יַעֲדָתָה לִּי בְּרַב חֶבֶה  
קָדוֹשׁ לְמַעַנְךָ הַטִּיבָה  
וְאַתְהָלָכָה בְּרַחֲבָה

עֲדוֹת אֲרוּכָה וּרְחֵבָה  
בְּחִסְדְּךָ שְׁבוֹתִי וְהַשִּׁיבָה  
כִּי פִקּוּדֶיךָ דָּרָשְׁתִּי

(שם, שם, מ"ה)

5 להטלילו-להחלילו, לנע'ל. להטלילו=לכסותו, לפי נחמיה ג', ט"ז; וסוכה בארמית פירושה מטללתא, עי' מילונים ללוי וליאסטרוב. ברום עשרה=טפחים, לפי משנה סוכה, פרק א'.

14 ברורות, צרופות, ובמקור ברורים, צרופים ונקבתין.

17 יעדת-עדות, לנע'ל; עדות, לשון החקים והעדות.



- צורי לצירי שלח לי צרי  
ואפרתי מכה הארי  
והיתה לי
- גלעדי משיב החרי  
ואודה לך ערבי ושחרי  
המלוכה (עובדיה א', כ"א)
- חזקו ונאמץ לבבכם  
שמעתי את תפלתכם  
ונחלתכם האכלתיכם <sup>10</sup>
- כי אני יי אלהיכם  
מן העמים אקבצכם  
נחלת יעקב אביך (ישעיהו נ"ח, י"ד)
- קוראים בשפל משגבך  
ובבית קדשי אשכינך  
דברי ומפי ירעך
- אהיה וציון אעלה  
לא ימושו מפיד  
אמר יי בראך (שם, מ"ג, א')
- חזון נעתם וקץ נסתם  
איד בבית מאסרם שכחתם <sup>15</sup>  
בשרם בארץ שבתם
- גלה לשבטי בני איש תם  
האם איבתם או עזבתם  
קומה יי למנוחתך (תהלים ק"ב, ח')

## י.ד.

מאורה

דהריץ ז"ל

סימן: יצחק.

חז. דף ק"ע, עמוד א'.

(ח' תנועות)

- יום זה אלי אשוררך  
לעיני קהלי אפארך  
נר לרגלי דברך
- ואשפך לך תפלת  
ואטף לך מלתי  
ואור לנתיבת (תהלים קי"ט, ק"ה)

## י.ג.

6 צורי-צירי-צרי, לשון נופלת על לשון.

6 אפרתי=משיח בן דוד, מכה הארי (לפי שמואל א, י"ז, ל"ד); הארי, הכיוון לשונאי ישראל.

## י.ד.

2 ואטף, לפי איוב כ"ט, כ"ב.

חזון יום ראשון של סוכות.

<sup>5</sup> לַפָּנִיךָ בְּיוֹם זָכְרוֹן  
 וְתִשְׁלַח מִבֶּשֶׂר וְגִין אֶהְרֹן  
 הַבְּרִית וְהִשְׁבֹּעָה  
 תִּזְכֹּר בְּרִית אֵיתָנִיךָ  
 תִּכְתֹּב לַחַיִּים בְּנִיךָ  
 בְּתַקְעַם תְּקִיעָה וּתְרוּעָה  
 חֲנוּן בָּזָה רֹאשׁ הַשָּׁנָה <sup>10</sup>  
 וְתִשָּׁב אֶל קְרִית חֲנָה  
 יַעֲפוּן מִהֶרָה כַּעֲנָנָה  
 כִּסִּים חֲזוֹת נֶאֱמָנָה  
 קְדוֹשׁ בְּשִׁבְתְּךָ בְּרוֹם עָרֶץ  
 תִּכְתֹּב לַחַיִּים יְדִידֶיךָ <sup>15</sup>  
 וַיֹּאמְרוּ יְיָ מֶלֶךְ תִּגַּל הָאָרֶץ  
 וְהָאֵר לְמַצְלָצְלֵי תְרוּעָה  
 פָּנִיךָ וְנִוְשָׁעָה.

## יג.

חֲזוֹן יוֹם רֹאשׁוֹן שֶׁל סוּכּוֹת.

דַּהֲרִיץ ז"ל

סימן: יצחק חזק.

חז. דף קס"ח, עמוד א'.

כָּל עֲצֻמוֹתֵי תַּאמְרָנָה יְיָ מִי כְמוֹדָה

יִרְאֵי יְיָ הִלְלוּהוּ  
 בְּאֶרְבַּע מִיָּנִים הִדְרוּהוּ  
 וְשִׁבְעַת יָמִים סוּבְבוּהוּ  
 זָרַע יַעֲקֹב בְּבִדְוָהוּ  
 וְסָבִיב סָבִיב בְּתִרְוָהוּ  
 כְּבוֹד יְיָ יֵאֱסָפָה

(ישעיהו נ"ח, ח')

<sup>10</sup> לציון=את ציון.

<sup>16</sup> והאר, תהלים פ', ד' ועור.

■ הברית והשבועה, לפי תהלים ק"ה, ט'.

<sup>12</sup> יעופון, לפי ישעיהו ס', ח'.

בְּיַד יְקוֹתִיאֵל	חֲקִים צָוָה
אֲנֹכִי הָאֵל	קוֹל הַשְּׁמִיעַם
סְבִיבוֹת הַהָרָאֵל	נִקְהָלוּ בְּסִינִי
לְצֹאת בְּנֵי יִשְׂרָאֵל	בַּחֲדָשׁ הַשְּׁלִישִׁי

## יב.

חזון של ראש השנה.

אהבה  
להריץ ז"ל  
סימן: יצחק.

חז. דף קנ"א, עמוד ב'.

לנועם מרום מרום שמי

וַיַּפְדֵּה רָזָה וְצוֹלָעָה	מְרוֹם יַחִישׁ יִשׁוּעָה
עָלָה אֱלֹהִים בְּתַרְוָעָה	וַיִּזְדּוּ לְאֵל תְּמִים־דָּעָה
בְּבְנֵי מְרוֹן	יְדִידִים בְּעֶבְרָם
תִּקְשִׁיב קוֹרְאִים בְּגִרּוֹן	לְמוֹלֵךְ לְהֵלֵל וְלָרוֹן

הציון. מצדד' וכמו כן שאר הציונים הבלתי־ברורים מסוג זה כמו. קיקלאר' ■. עסטריוטא' הנמצאים בראש כמה פיוטים עתיקים לא ניתנו על ידי המשוררים בעצמם אלא כפי שצריך לשער בוודאות על ידי החזונים ומסדרי התפילות בתקופות מאוחרות הרבה שנים אחרי מותם של הפייטנים. קרובה ההשערה שהבטויים האלה נוצרו בארצות המזרח, בקהלות הַמְּקַטְעֶנְרִבִּיּוֹת<sup>1</sup> ומובנם נמששט בהמשך הזמנים. וב.ספר תשלום אבודרהם<sup>2</sup>, בהתחלה, רושם ר' דוד ב"ר יוסף ס"ט בן אבודרהם: וקיקלאר אומרים שהוא שם עוף שקולו נשמע בניגון המאמר כך, וכן עסטריוטא (נוסח אחר: פסטריותא) הוא שם חיה.  
כך פיוט בצורת, מצדד' כולל לא יותר משתי מלים בדלת ובסוגר.  
■ יקותיאל, אחד מעשרת השמות של משה.

## יב.

לנועם הפיוט של ר' משה אבן עזרא. מרום מרום שמי קדשו יפן ברחמיו איומתו, ואת הפיוט הזה ימצא הקורא להלן בסימן כ"ג.  
1 רזה וצולעה, כנוים לישראל.  
2 עלה, תהלים מ"ז, ו'.  
3 כבני מרון, לפי ראש השנה י"ה, א': בראש השנה כל באי העולם עוברים לפניו כבני מרון=כמעלות בית מרון שהיו צרות ואפשר היה לעלות בהן רק אחד אחד.

צוֹיֵת וְעוֹדִים      לְהוֹד שְׁמֶךָ מִסְלָדִים  
וּפַעַמִּים מְחַלְדִּים      בְּעַת יוֹשְׁבִים וְעוֹמְדִים  
וְהִמָּה כַּעֲבָדִים      מְשַׁתְּחוּים וְסוֹגְדִים  
אֶל יְיָ וְשׁוֹקְדִים <sup>10</sup>      דְּבָקִים בְּיְיָ (דברים ד', ד')

חֲצִבְתָּ בְּמַחְצָב      בְּכָל מוֹשָׁב וּמַצָּב  
לְהַשְׁפִּיל וּלְהָרִים      לָךְ עוֹלָם מַצָּב  
לְכָל תְּכָלִית קָצָב      וְכָל עֶלְץ נַעֲצָב  
וּדְבָרְךָ נָצָב      לְעוֹלָם יְיָ (תהלים קי"ט, פ"ט)

קִדְשֶׁת קִצִּינִים <sup>15</sup>      וְהוֹצֵאתָ נְבוֹנִים  
מִתּוֹךְ עַם יְדוֹנִים      עַל יְדֵי צִיר נְאֻמָּנִים  
פָּנִים בְּפָנִים      יִדְעוּ יְיָ (דברים ל"ד, י')

## יא.

חזון יום ראשון של שבועות.

מַצָּדָר

צְהַרִיץ ז'צ

סימן: יצחק.

חו. דף קי"ב, עמוד א'.

יוֹצֵר אוֹרִים      פּוֹדֶה וְגוֹאֵל  
צָבָאֵיו לְסִינֵי      קָרֵב וְהוֹאֵל

ז' ועודים, כך תיקנתי לבידור המובן ולצורך המשקל ('ה' תנועות) ובמקור מ'ע'ד'ים; איוב ר', י': ואסדרה בחילה.  
■ מחלדים, מלשון חלד, עולם, כלומר, מתפללים לבורא עולם. ואולי צ"ל: מי חדים.  
9-10 סוגדים-שוקדים, לשון נופלת על לשון.  
13 עלץ נעצב, כלומר לשמחתו בא קץ על ירי השניניים והחליפות.  
15-16 קצינים, רמז למשה ואהרן; ציר, כנוי למשה.

## יא.

מַצָּדָר, מלה ערבית ופירושה פתיחה, בהקבלה לאל כרוג' = סילוק. במחזורים שלנו רשום מצדר' וכבר העירוני בכמה מקומות שזוהי טעות סיפרים או שבשחא כיון דעל על וצ'ל. מצדר'.

חֹשֶׁה לְעִזְרָתִי	אֶל נָא תִבְּנֶה עֲנוּתִי
וּבֶךְ אֵילֹוֹתִי	כִּי אַתָּה תִקְנֹתִי
וּשְׁמַחִי רָעִמִי	יִבְשׁוּ עֵת פְּדוּתִי
יֵאמְרוּ אַחֲרֵי בְלָתִי	הֵן הִיְתָה לִי עֲדָנָה (בראשית י"ח, י"ב)
15 קְרָאוּ מִלְאֲכֵי שְׁלוֹם:	עִיר שְׁלֵם הִחְרָבָה
צָרָךְ הוֹלֵךְ וְהֵלֵם	בֵּיתוֹ שְׁמַתִּי עָרָבָה
גִּשְׁי בְתִי עַד הֵלֵם	אֶרְפָּאךְ מְמֻשׁוּבָה
עֲמָךְ אֹהֲבִים נִדְבָה	וּבָאוּ צִיּוֹן בְּרָנָה (ישעיהו ל"ה, י"ז)

מחרך דמי כמכה

דהרי"ץ ז"ל

סימן: יצחק.

חז. דף ק"ג, עמוד א'.

(חמש תנועות)

מִי כְמוֹךְ אֶל	יֹוסֵד אֲדָנִי
וּמִי דוֹמָה לָךְ	בְּאֵלִים יי
יִסְדֶּתָּ שְׁחָקִים	אֲשֶׁר כִּרְאִי חֲזָקִים
וְגַם הִמָּה מְרִיקִים	עַל אַפְסֵי אֲרָמִים
5 וַיִּצְקֶתָּ מְצוּקִים	בְּמִשְׁפָּטִים וְחָזָקִים
מָלֵא יָם וְאַפִּיקִים	רָצוֹן יי (ישעיהו י"א, ט')

11-12 תהלים כ"ב, כ': אילותי לעזרתי חושה.

15 יחזקאל כ"ו, ב': אמרה צור על ירושלים... אמלאה החרבה.

16 שמואל א', י"ד, ט"ז: והנה ההמון נמוג וילך ויהלם.

17-18 רות, ב', י"ד: גשמי הלים; הושע י"ד, ה': ארפא משובתם אוהבים נדבה.

י.

חזון יום שני מהאחרונים של פסח.

1 שה'ש ה', ט"ו: מיסדים על אדני פו.

3-5 איוב ל"ז, י"ח: תרקיע עמו לשחקים חזקים כראי מוצק; מריקים, לפי תהלים י"ח, מ"ג:

כטיט חוצות אריקם.

## נ.

ואלו פינו

להריץ ז"ס

סימן: יצחק.

חו. דף ע"ג, עמוד ב'.

(שש תנועות)

נִפְרַח בְּשׁוֹשְׁנָה

(תהלים קכ"ו, ב')

וּלְשׁוֹנָנוּ רִנָּה

הָאוֹמְרִים לִי הָאֵחַ

וּלְצָרְתִּי אֵין אֵחַ

לְבִי בּוֹעֵר בָּאֵחַ

(שם, שם, ו')

כִּי בֹא יָבֹא בְּרִנָּה

חֲסִדְךָ אֱלֹוֵי יִקְוָה

הַעֵת נִדְלָךְ יִחוּה

עֲבֹד נִבְזָה וְדָוָה

(ישעיהו א', כ"א)

שְׁלֹם עִיר נֶאֱמָנָה

לָנוּ כְּטַל תְּהִיָּה

מָלֵא פִינוּ שְׁחוֹךְ

יִשְׁמוּ עַל בְּשִׁמָּתָם

רְאוּ אוֹרֵי נְעֻמָּתָם

וְאֵנִי עַל קֶץ נִחָתָם <sup>5</sup>

דְּבַר עַל לֵב נֶאֱמָנָה

צָמָא אֵל טַל יִשַׁע

כִּי בְשִׁמְךָ יִשְׁתַּעֲשַׁע

אָנָּה שֶׁאֵין נֶאֱמָנָה

מִתִּי יָשׁוּב בְּנִיָּה <sup>10</sup>

## ט.

חוון לתאני יום ליל פסח.

פיוט זה הוא היחירי מפיוטי גיאת הבלתי־ידועים שבחוונים שזכה לפרסום מחודש וכתחיה מסורתית-בומגנו אנו-בקרב היהודים המגורבים (המערביים) בקהלות ארץ ישראל והארצות הקרובות. פיוט זה נדפס בחוברת סדר קידוש ליל ראש השנה, שיצאה לאור על ידי ד"ר עיראן וחיים חוורי בירושלם בשנת 1904, והקידוש נדפס יחד עם הספר. בני משה בירושלם באומה שנה (ראה, אוצר השירה והפיוט כרך רביעי, תשלום למפתח המקורות עמוד 16). הדפסת הפיוט הזה שלמרות פרסומי הנ"ל אין אני מוציא אותו מכלל הפיוטים הבלתי־ידועים ראיה מוכיחה היא לנו על השפעתה וחיוניותה של המסורת הגיאתית בקרב היהודים המערביים במשך כל הדורות. צריך לשער בוודאות שבעלי הקידוש ליל ר"ה לא שאבו את הפיוט ממחזור מורפס ידוע, שבוודאי לא היה נשאר נעלם מאתנו לגמרי, אלא הביאוהו על הגליון על פי מסורת של בעד פה.

1 הושע י"ד, ו': אהיה כטל לישראל יפרח כשושנה.

3 ישומי, תהלים מ"ז, י'; האח, שם, מ', ט"ז.

4 אח=ידיד; מבלי, י"ז, י"ז.

5 אח=תנור. ירמיהו ל"ו, כ"ה.

10 שלם=ירושלם.



<sup>5</sup> גִּזְרָ שׁוּב מוֹל נִינִי הָעֶבְרִים וְתַחַת בְּרִית שְׁנִית יִהְיוּ עוֹבְרִים

לְגִלּוֹת מִהֶם שְׁמִיךְ חֲרַפַּת הַמָּצָרִים וַיַּעַשׂ לוֹ יְהוֹשֻׁעַ חֲרָבוֹת צָרִים

(שם, ה', ג')

דוֹר הַמְדַבֵּר בַּמִּצּוֹת כַּמַּעֲיָן מְבוֹעַ וְחֹק הַמִּלָּה הֲלֹא אֶצְלָם יְרוּעַ

אֶבֶל הַמֶּל בַּמְדַבֵּר אֵינוֹ פְּרוּעַ וְזֶה הַדַּבֵּר אֲשֶׁר מֶל יְהוֹשֻׁעַ

(שם, ה', ד')

הָרְבוּ לַמְרוֹת וְאַרְבָּעִים שָׁנָה עַד סָפוּ בַּמְדַבֵּר וְתָמוּ בָרֶב

הַנִּיעָם פֶּשַׁעַם

<sup>10</sup> גִּזְרָ מִלָּה שְׁנִית עַל זֶרַעַם כִּי מַלִּים הָיוּ כָּל הָעָם

(שם, ה', ה')

וַיַּעֲצֹרֵם לְסִינִי וְדַת מָלְכוֹ וְהִמָּה מָרוּ וַעֲצָבוּ וְנִהַפְּכוּ

לָכוּ בִּילָל יִשְׁמֹון נִמְשָׁכוּ כִּי אַרְבָּעִים שָׁנָה הָלְכוּ

(שם, ה', ו')

זְמַן מִן וּשְׁלֹו לְנִסּוֹתֵם וּשְׁנֵי עֲמוּדִים לְלַכְתֶּם וּשְׁבַתֶּם

בְּעֲטוֹ וְכַתֶּם תֵּם וְאֵת בְּנֵיהֶם הַקִּים תַּחֲתֶם

(שם, ה', ז')

<sup>15</sup> יִשְׁיֵשׁ אֵב הַמּוֹן נִהְלֶם צִיץ הַפְּרִיחַ וּלְטַבְּחוֹ רֶץ וְהוּא

כְּשֶׁה נֶאֱלָם

חֲנִנְתוֹ תְּאוּמִים זֶה תֵּם וְזֶה נִכְלָם קִדְשֶׁת תֵּם וַיַּחֲלֵם וְהִנֵּה סֵלָם

עֲזַרְת אֲבוֹתֵינוּ אֶתָּה הוּא מַעֲוֹלָם.

5-8 בני ישראל במדבר מלו בלי פריעה, לפי יבמות ע"א, ע"ב.

11 ויעצרום (מלשון אספה), כך תיקנתי ובמקור ויעצם; מלכו, מלשון התיעצות וישוב הדעת;

מרו ועצבו, לפי ישעיהו ס"ג, י'.

13 עמודים, ובמקור: עומדים.

15-16 אב המון=אברהם; ציץ=יצחק; תם=יעקב.

מנוף כְּנוֹאֵלוּ	צֹנָה בַּעַת דָּרְכוּ
עֲצָמָם וְחִמְלוּ	חֲשָׁשׁוּ בְּהִסְתַּכֵּן
וְלָלָל וְנִקְהָלוּ	5 חֲנוּ חֲבָרִים בִּי
סִירוּ וְחִסְלוּ	עָרְלַת בְּשָׂרָם הִי
רִיבוּ וְאָכְלוּ	קָרְבוֹן פִּסְחִים הָקִי
נִשְׂאוּ וְצָהָלוּ	לְתַת תְּהִלָּה קוֹל
אֵל יִשְׁעָד כָּלוּ	כֹּן מַחְכוֹת עֵינֵי
לֶךְ נִכְסְפוּ כָלוּ.	10 רוּחִי וְנִשְׁמָתִי

## ח.

זוט

צ'הרי"ץ ז"ל

סימן: א-ז, יצחק.

חז. דף ס"ד, עמוד א'.

אֲשַׁנֵּן מַפְעֵלוֹת שׁוֹכֵן שְׁמִי עָרֶץ      לְהַשְׁבִּית אוֹיֵב וּבּוֹגֵד וּפּוֹרֵץ  
זֵדִים פָּרְצוּ פָּרֶץ עַל פְּנֵי פָּרֶץ      לְמַעַן דַּעַת כָּל עַמֵּי הָאָרֶץ

(יהושע ד', כ"ד)

בְּהִקְבְּדוֹ בְּפִרְעָה בְּרָקֵב מַעֲנִי      בְּקַע יָם וְהַעֲבִיר אֲמוֹנִי  
וּבְהוֹבִישׁ יַרְדֵּן בְּרִגְלֵי בְּהוֹנִי      בַּעַת הָהִיא אָמַר יְיָ (שם, ה', ב')

4 עצמם, במקור בעצמם.

5 חברים, כנוי לישראל.

6 חסלו, לפי דברים כ"ה, ל"ח.

7 לתת, במקור ולתת.

## ח.

חזון לפסח.

הפיוט מיוסד על יהושע ה'.

4 בהוני=ובבהוני.

צמאה נפשי	לאל חי וטובו
האל אשר שם	עבים רכובו
ותלה אותם <sup>5</sup>	וחן על כרובו
וברא חיות	וצבא לכלם
חי העולמים	אין לו ערך
יחיד אשר לו	תכרע כל ברך
ממך יראים	ובלבבם מרך
ובך נשענים <sup>10</sup>	לתת אכלם
קומה פדה עם	בחייהם קצו
והצמית אויבים	אשר פיהם פצו
וחן על עדתך	אחריתך רצו
ואז יודוך	עמים בלם.

ז.

רשות לנשמת

להריץ'ן' גיאת ז"ל

סימן: יצחק.

חז. דף נ"ט, עמוד ב'.

— — — | — —

מִשְׁכּוֹ יִמְלְלוּ	יום זה במו ענין
מִלָּה וְלֹא מָלוּ	הפִּטִּיר בְּמוֹשְׁבֵי דָת

ז.

חזון לפסח.

3 צמאה, לפי תהלים מ"ב, ג'.

4 שם, ק"ד, ג'.

5 וכן=וחנה. 7 אין להעריכו.

■ תכרע, ישעיהו מ"ה, כ"ג.

9 ובלבבם, ויקרא כ"ו, ל"ו.

11 בחייהם, לפי בראשית כ"ז, מ"ו.

14 לפי תהלים ס"ז, ד', ו'.

ז.

חזון לפסח.

■ במקור להפִּטִּיר, נגד המשקל.

בְּרוּךְ אֲשֶׁר הָרִיץ מְזֻלוֹת מֶהֱם עַל חַיִּים וּמֶהֱם עַל כָּלָה  
וְחֶרֶץ  
בְּרוּךְ מְרַחֵם עַל הָאָרֶץ

20

בְּרוּךְ אֲשֶׁר זָמַם לִבְרָא עוֹף וְדָג וּבְהֵמָה וְכָל מִינֵי חַיִּוֹת  
בְּרוּךְ אֲשֶׁר צָנָה לַפְּרוֹת וְלַרְבּוֹת וּלְמִלֵּאת יָמִים וְגִאֲיוֹת  
בְּרוּךְ אֲשֶׁר נָתַן אֶכְלָם בְּעֵתוֹ וְעֵינֵי כָלֶם אֵלָיו תְּלוּיוֹת  
בְּרוּךְ מְרַחֵם עַל הַבְּרִיּוֹת

בְּרוּךְ אֲשֶׁר קִרַּץ מַחְמֵר אָדָם יִפֶּה תֹאֵר וּבִבְדוֹ מִכָּל צָבָאִיו <sup>25</sup>  
בְּרוּךְ אֲשֶׁר הִכִּין כָּל מְלָאכְתּוֹ וּמוֹצְאָיו וּמוֹבָאִיו  
בְּרוּךְ אֲשֶׁר נָתַן שִׁכְל בְּלִבּוֹ לַהֲיוֹת יִרְאָתוֹ עַל פְּנֵי כָּל בְּרוּאָיו  
בְּרוּךְ מְשַׁלֵּם שְׂכָר טוֹב לִירְאָיו

בְּרוּךְ אֲשֶׁר פָּעַל הַכֹּל לְמַעַנְהוּ וּבְכִרְצוֹן זָמָמוֹ  
בְּרוּךְ אֲשֶׁר כָּלָה בַּיּוֹם הַשְּׂבִיעִי מִכָּל מְלָאכְתּוֹ וְאֵין אַחֵר עִמּוֹ <sup>30</sup>  
בְּרוּךְ אֲשֶׁר בּוֹ שָׁבַת וּבּוֹ נָתַן מְנוּחָה לִישְׂרָאֵל עִמּוֹ  
בְּרוּךְ הוּא וּבְרוּךְ שְׁמוֹ

.ו.

מחרד

דְּהִרִיץ גִּיאַת ז'ל

סימן: יצחק.

חז. דף נ"ט, עמוד א'.

(ארבע תנועות)

יִזְדּוּ אֱלֹהִים  
בְּרוּךְ שְׂאֵמֶר  
כָּל צָבָא עוֹלָם  
וְהִיָּה הָעוֹלָם

ברוך אשר כל מעשיו בטוב החל ובטוב כלם  
ברוך שאמר והיה העולם

ברוך אשר צוה יהי אור ואותו בגלגליו השית <sup>5</sup>  
הגליל בינו ובין חשך והגיד אחרית מראשית  
ברוך אשר ברוח פיו ברא נרם ורעם ובכרד ורוח חרישית  
ברוך עושה בראשית

ברוך אשר חשב להיות רקיע בין מים למים והוציא  
מחשבה למעשה  
ברוך אשר לרקיע קרא שמים ושם הכין לשבתו כסא <sup>10</sup>  
ברוך אשר מלאכות התבנית היה במאמרו להתנשא  
ברוך אומר ועושה

ברוך אשר קרא לצרף יראיו דשא ועשב ונטע וזרעים  
ובהם ימים  
ברוך אשר ירנם בטל ברכותיו ובלתו אי אפשר להתקנים  
ברוך אשר בטלגליו יצהיל ברייתו ואותם בהעצרו מאים <sup>15</sup>  
ברוך גזור ומקים.

ברוך אשר חלק מאורות ותלם במרומי ערץ  
ברוך אשר המשיל זה ביום וזה בלילה ואין בהם  
פורץ פרץ

- 8 החל-כלה, לפי בראשית מ"ד, י"ב. בטוב, לפי מדרש תנחומא בראשית ה': אמר הקב"ה אברא את העולם בלשון ברוך; ובטוב כלם, כלומר, וירא אלהים... כי טוב.  
4 לפי סנהדרין ע"ו, ע"ב: מי שהיה ואמר העולם.  
6 אחרית מראשית, לפי בראשית מ"ד א', ה': שצפה הקב"ה שאחר כ"ו דורות עתידין ישראל לקבל את התורה; ומעין זה יש במדרש כמה צפיות אחרית מראשית.  
8 לפי ברכות נ"ד, ע"א.  
9-10 לפי המאמר הקב"ה מצרף מחשבה טובה למעשה; ולפי מ"ד, שם, א', ה': ויש מהן שעלו במחשבה להבראות... וכסא הכבוד.  
11 מלאכות התבנית (דה"א, כ"ח, י"ט), אולי רמז לבריאת האדם לפי הכתוב נעשה אדם בצלמנו כדמותנו.  
12 ברכות נ"ו, ע"ב: ראה מקום שנוטלין ממנו עפר ברוך אומר ועושה גזור ומקים.

שׁוֹבְכָה בְּכֶלָּה  
לִפְּנוֹת בְּחֶרְוִי

תַּעֲדָה כְּלִיָּה  
עֵנֶק צָוָאר יְחִיָּה. (ישעיהו ס"א, י')

תַּאֲבֵד בְּבִיר  
וְתִסִּיר אֲבִיר  
וְתַגְדִּיל וְתַגְבִּיר<sup>25</sup>  
וְאוֹתָם תַּעֲבִיר  
עַל יְדֵי בֶן מֶזָּה

מְשׁוֹנָא וּמוֹנָה  
מְשָׁבָא וּדְרָנָה  
עִם בְּךָ יִתְכַנֶּנָּה  
עַל יְדֵי מֶנָּה  
וְאִישׁ הִלְזָה (בראשית כ"ד, ס"ה)

## ה.

חזון פסח  
רשות לברוך שאמר  
להרי"ץ גיאת זצ"ל  
סימן: יצחק הזקן.

חז'. דף נ"ח, עמוד א'.

בְּרוּךְ אֲשֶׁר  
בְּרוּךְ אֲשֶׁר  
יֵצֵר עוֹלָמוֹ וְצָבָאוֹת מַעֲלָה וּמַטָּה בָּלֵם  
פַּעֲלָיו בְּמַחֲשָׁבָה וְלֹא בְּכֹל כְּלִי פַעֲלָם

<sup>21</sup> שובבה=השיבה.

<sup>22</sup> שה"ש, א', י'; מראה המקום מוסב לשורה 19 (ככלה וכו').

<sup>23</sup> תאבד, כ"י אדלר: תורד. כביר=מושל; ומונה, מלשון והאכלתי את מוניך, ישעיהו מ"ט, כ"ו.

<sup>24</sup> משבא ודרנה, רמז לעמים משונאי ישראל.

<sup>26</sup> ירמיהו ל"ג, י"ג: עוד תעברנה הצאן על ידי מונה.

<sup>27</sup> בן מזה, כנוי למשיח. והנוסח בכ"י אדלר: על יד בן מי זה ובן איש הלזה.

## ה.

הקורא שישוה את הברוך שאמר "זה לך ברוך שאמר", רשות לחזון יום שביעי של פסח שחיבר ר' יוסף אבן אביתור שחי דור שלם לפני ר' יצחק נ' גיאת ושפירסמתי ב. כפר השנה ליהודי אמריקה' לשנת תש"א יתרשם מהדמיון והשוויון שישנם בין שני הפיוטים האלה וקשה יהיה לו להשתחרר מן הרשם שגיאת חיבר את פיוטו תחת השפעתו הישרה של הפייטן שקדם לו, בשפה ובסגנון, בלשון וברעיון. אבל ההשוואה תוכיח שפיוטו של אביתור עולה הוא מכמה נקודות: השקפה על זה של גיאת. ויחד עם זה יבוא לידי הכרה שבמובן שפה וסגנון הגיאת הוא קל, פשוט והמוני הרבה יותר מאשר האביתור.

ב במחשבה, לפי מדרש בראשית רבה א', ה'; ולא בכל כלי=לא בפועל ידים, כי אם ברוח

פיו ובמאמר.

יִחְדְּשׁוּ יְרַחֵי      בְּמוֹסְדוֹת שְׁמַחֵי  
וַיַּעֲלוּ יְרַחֵי      לְתוֹרֵי מְנוּחֵי  
וַיִּשְׁבּוּ רוּחֵי      תְּשׁוּעַת נֶצְחֵי<sup>5</sup>  
וַיִּזְלוּ לְקַחֵי      בְּמַחְזוֹת מְשִׁיחֵי  
נִחְמֵי מַחְזָה      יִשְׁעֵיהוּ הַחֲזָה

(רה"י א, כ"ט, כ"ט ועוד)

צָדֵק עוֹלָמִים      מַעַלֵּי הַחַבִּיא  
הֶבְהָ תָמִים      כִּיּוֹם וְהָבִיא  
וּמִמָּעוֹ רָאִמִּים<sup>10</sup>      וְסִבְכֵי לְבִיא  
קָהַל בְּזוּי עַמִּים      תִּבְשָׁר לְהַצְבִּיא  
לְהַכְרִיז: נִבְּהָה      לֵךְ עֲלֶה מָזָה

(שמות ל"ג, א')

חֲקֵי חֲדָשִׁי      יְמֵי חֲרָפֵי חֲדָשִׁי  
וְחָלִי אֲנוּשִׁי      קִדְשׁ תִּקְדֹּשׁ  
וּבְקֶאֶז קִדּוּשִׁי<sup>15</sup>      דְּעוֹלָם לִי תִקְדֹּשׁ  
תוֹךְ יְרִיעוֹת קִדְשִׁי      מִקְדֶּשׁ הַקִּדְשׁ  
וְהָאֲמָה מָזָה      וְהָאֲמָה מָזָה

(שם, כ"ו, י"ג)

קַרְיָה שְׂכוּלָה      מֵאֲצִילָיָה  
תַּעֲמִיד בְּגִילָה      בְּכָל גְּבוּלָיָה  
וְאֲשָׁה בְּעוֹלָה<sup>20</sup>      לְבֵית בְּעָלָיָה

- 3 החרח משורה זו עד שורה 7 יש לו משקל — — — — — ברלח ובסוגר. ירחי, לשון חדשים; במוסדות=בית המקדש, ובחזונים" ובכ"י אדלר: מוסדות.  
4 ירחי, לשון וממגר גרש ירחים; לתורים, לשון זמנים=עליה לרגל; בחזונים: לתור מנוחיי.  
5 וישבו, כ"י אדלר מנסח: וישבו; תשועות; רוחי לפי תהלים קמ"ו, יח: ישב רוחו יזלו מים.  
6 הכיוון לארצות הגולה; וסבכי, ירמיהו ד', ז'.  
7 להצביא=לשון קיבוץ.  
8 להכריז, כך חקנתי ובמקור להכרית, מה שנראה לי לגמרי לבלתימתאים למוכן.  
9 ימי חרפי=כשהיה בית המקדש קיים.  
10 וחלי אנושי (ירמיהו י"ז, ט')=חטאתי וטומאתי קדש (מחול); קדש, ובחזונים: קודש.  
11 מקדש הקדש, ובכ"י אדלר: משכני קדש.  
12 בכל גבוליה, נוסח אדלר: בתל גבוליה.  
13 בעולה, כ"י אדלר: בתולה.



שְׁמֹנֶה שְׁמֹנֶה עַל יְלָדֵי  
כְּתֹב עֲשׂוֹת רָע לְחֻמוֹדֵי

נִין עֲמֶלֶק רֹאשׁ מַאֲבִידֵי  
נֶאֱלָת בְּזֹרֵעַ עֲמֶךָ (שם, ע"ו, ט"ו)

חֹדֶשׁ רֹאשׁוֹן בּוֹ פֹּר הַפִּיל<sup>5</sup>  
וְלַעֲלוֹת לָהֶר הָצָר הָעֶפִיל

קָרַן יִשְׂרָאֵל לְהִשְׁפִּיל  
וַיִּתְּעֶצּוּ עַל צְפוֹנִיָּה (שם, פ"ג, ד')

חָשַׁב אֲנִי בְּמַחְשַׁבְתּוֹ  
בַּעֲצַת אוֹהֲבָיו וְגַם אֲשֵׁתוֹ

לְלַכְדֹּנִי בַּפֶּחַ מְלַכְדָּתוֹ  
הַפֶּר עֲצָתָם לְמַחְשַׁכָּה

(נחמיה ד', ט')

קִיְמוּ וּקְבֹלוּ הַיְּהוּדִים עֲלֵיהֶם<sup>10</sup>  
לְקִים יְמֵי פִּוְרִים בְּזִמְנֵיהֶם

וְעַל זֶרַעַם אַחֲרֵיהֶם  
מִהִידִידוֹת מְשֻׁכְּנוֹתֶיהֶם

(תהלים פ"ד, ב')

אָכְלוּ רָעִים וִידִידִים  
וְשָׁלְחוּ מְנוֹת וּמִגְדִּים

וְשִׁכְּרוּ אֲבוֹת וִילָדִים  
וּמִתְּנָה וּבִרְכָּה

## ד.

חזון שבת החדש

מחר

צְהִרִיץ גִּיּאֵת ז'צ

סימן: יצחק.

חז' דף מ"ב, עמוד א'.

עַל עַם הַקֹּדֶשׁ  
וּלְטוֹבָה חֹדֶשׁ

מִי יִשְׁעֶךָ הַזֶּה  
הַחֹדֶשׁ הַזֶּה

(שמות י"ב, ב')

■ ולעלות, לפי במדבר י"ד, מ"ד.

9-10 אסתר ט', ל"ב ועוד.

11 לפי שה"ש ה', א'.

## ד.

פיוט זה נמצא בכ"י אדלר מספר 2198 בספריה של בית-המדרש לרבנים בניו יורק.

1 הזה, לפי במדבר ח', ז'.

10 צְפוּנֵי הַדָּר מִפְּלָאִי  
וּבְרָצוֹנָה תְּנוּצִץ  
וְעַת חֶשֶׁךְ יְרוּצִץ  
וְאַתָּה כּוֹנֵן נְתִיבִים  
וַיִּנְדַּע אֵיזָה הַדָּרָךְ  
וְאוֹר הַדָּרָךְ וּמְאוֹר  
פְּנֵי תְּבֵל וְתְּאוֹר  
לְעֵם תִּקַּב וְתְּאוֹר  
וּבָם הוֹלֵךְ וְאוֹר  
יִשְׁכַּךְ אוֹר

(איוב ל"ח, י"ט)

15 וְקוֹ שֶׁכֶּל וְחֻכְמָה  
תְּבוֹנָה וְלֵב מִשְׁכִּיל  
וּבְשִׁפְפוֹן יִסּוּבֵב  
לְזֹאת יְחִישׁ מְהֵלָךְ  
לְבָרָךְ שֵׁם בּוֹרָא חֶשֶׁךְ  
מֵאֲתָךְ יִמְשֹׁךְ  
לְאֵט יַעִיר וּמוֹשֶׁךְ  
לְעֵקֶבֶי לֵב וְנוֹשֶׁךְ  
וְנִגָּה לוֹ וְחֶשֶׁךְ  
וַיּוֹצֵר אוֹר

(ישעיהו מ"ה, ז')

## ג.

שבת פורענות עמ"ק.

כָּל עֲצֻמוֹתֵי

דְּהָרִי"ץ

סימן: ישחק.

חז'. דף כ"א, עמוד ב'.

וְהָדָן דִּינוֹ בְּתַעֲצוּמוֹ  
אֲזִי יִשְׁנֹכֶךְ שֵׁם אֱלֹהֶיךָ  
יְחִיד הָרֵב אֶת רֵיב עֲמוֹ  
בְּרָכוֹ תִּמְדֵּי וְנָדְלוֹ שֵׁמוֹ

(תהלים כ', ב')

12-13 עם תקב ותקלל=שונאי ישראל ירוצץ חשך אבל אוהבך יאירו לפי משלי ד', י"ח:  
וארח צדיקים כאור נגה הולך ואור; כונן, כך שיניתי לצרך המשקל ובמקור, מכונן.  
אחרי שורה זו צריך היה להתחיל חרוז המתחיל באות ח"ת וכנראה שמסדר המחזור  
השמיטו מפני חסר מקום.

15 מאתך ימשך, בסירוס המשקל.

16 המשקל בדלת מסורס.

17 לפי בראשית מ"ט, י"ז.

18 מהלך=אדם.

## ג.

1 הרב. לפי שופטים י"א, כ"ה.

## ב.

שבת שקלים

מאורה

דהרי"ץ ז"ל

סימן: יצ(ח)ק

חז'. דף י"ז, עמוד ב'.

— — — | — — —

בְּיָדָךְ כָּל נְחוֹיִים  
כִּי עֲמָדָה מְקוֹר חַיִּים

וְרֵם מֵאֵז וְנֶאֱדָר  
בְּאֹרֶךְ נִרְאָה אֹר

(תהלים ל"ז, י')

יְסוּדוֹת אֹר בְּרוּרָה  
וּבְשִׁלִּישִׁי נִתְמָה  
וּבְרִבְעִי חִלְקָתָה <sup>5</sup>  
וְהֵם הֵם כְּכִי אֹר  
וְכֵם לִילוֹת וְנִמִּים  
וּמִרְאָה עֲזָף (—)  
וְלִילָה כִּיּוֹם יְאִיר

וְכִי מִמֶּדָּה גְּזוּרָה  
בְּעוֹלָמָךְ מֵאִירָה  
לְשִׁבְעָה קִנֵּי מְנוּרָה  
לְעוֹשֶׂה גֵב וְצוּרָה  
בְּקוֹמָם בְּגִבּוֹרָה  
וְחֶשֶׁד לֹא נְהוּרָה  
כְּחֶשֶׁכָה כְּאֹרָה

(שם, קל"ט, י"ב)

## ב.

1 רם ונאור, כנויים לאלהים.

3 ברורה=הנשמה, יסודותיה אור, ובטוי זה קרוב למליצתו של ראב"ע (ברודי-כהן,  
פילדלפיה, תרצ"ד) עמוד 131:

עוֹרֵי נֶפֶשׁ בְּרָה

מִקְבוֹד הָאֵל גְּזוּרָה

4-5 ובשלישי, כך שניתי בהתאם למלת "וברביעי" אבל במקור נמצא "ובשלשה"; חלקתה,  
לשמש ולירח; והפייטן אולי התכוון כאן למדרש בראשית רבה ג', ו': והיה אור הלבנה כאור  
החמה ואור החמה יהיה שבעתים כאור שבעת הימים (ישעיהו ל', כ"ו), אתמהא שבעה ולא שלשה  
הן והלא ברביעי נבראו המאורות אלא כאינש דאמר כן וכן אנא מפקד לשבעת יומיא דמשתחתי.  
6 גב וצורה=גוף וצורה.

8 אחרי. עוֹרֵי חסרה תנועה; וחשך, הוספתי הוא' לצורך המשקל ובמקור, חשך.

9 הפייטן לא דייק במשקל בבית זה מכיון שהוא פסוק שלם מתהלים ואידייקנות זו ניכרת  
בפיוט בעוד מקומות אחדים שבהם מובא פסוק מן המקרא.

## I

שבעה עשר פיוטים לר' יצחק נ' גיאת

## א.

שבת בראשית

לברכו

לדרי"ץ ז"ל

סימן: יצחק.

חו'. דף ה', עמוד ב'.

— — — | — — — — — | — — — — —

יְהִי וְהִיָּוֵנוּ וְגַם כּוֹל תַּחֲנוּנֵי	יְפֵי שִׁירֵי וּמְנַעֲמֵי יְרֻנֵי
לְחֵלוֹת אֶת פְּנֵי שׁוֹכֵן מְעוֹנֵי	צָבָא יְמִי בְּעוֹלָמִי אֲנִי רַץ
וּמֵאֶפֶל לְהֹאִיר אֶת אֲשׁוּנֵי	חֶסֶד בְּפִתְחוֹ אוֹצְרוֹת אוֹר
וְשַׁעֲשׁוּעֵי עָלִי מְשַׁכֵּב מְלוֹנֵי	קָרָא בְּשֵׁמִי הִכִּי שְׁמַחַת לִבִּי
שָׂאוּ קֹדֶשׁ וּבִרְכוּ אֶת יְיָ	קָהַל יַעֲקֹב בְּלִבָּב טוֹב יְדִיכֶם

5

## א.

דפי צונץ Ritus עמוד 50 פיוט זה נמצא בכ"י מחזור אוניון.

1 יפי שירי=ביפי שירי.

2 צבא ימי=כל ימי חיי, לפי איוב י"ד, י"ד.

3 ישעיהו מ"ה, ג': ונתתי לך אוצרות חשך; לפי משלי כ', כ': בְּאִישׁוֹן חֹשֶׁךְ; ואולי הכיוון לאישון עין.

4 ושעשועי, מלשון ותורתך שעשועי; משכב מלוני, לפי איוב ל"ג, ט"ו.

5 לפי תהלים קל"ד, ב', והפייטן שינה את הכתוב (ידיכם שאו) לצורך המשקל.

ואמר אדיר שוכן מרומי בקבצי אתכם (ל"ט)  
 יודו אלהים כל צבא עולם ברוך שאמר והיה העולם (ו')  
 יום זה אלי אשוררך ואשפך לך תפלתי (י"ד)  
 יום זה במו ענין משכו ימללו (ו')  
 יוצר אורים פודה וגואל (י"א)  
 יחיד הרב את ריב עמו והדן דין בתעצומו (ג')  
 יחיד וגאדר בשמי מרומים ראה כי אולת יד (י"ז)  
 ינוחמו ירוחמו בני איש חם רב אונם (כ"ד)  
 יפי שירי ומנעמי רנני והגיגוני וגם קול תחנוני (א')  
 ישרו דרכי מסלי והלכו לציון גאולים (כ"ה)  
 כל עצמותי תאמרנה . . . יראי ה' הִלָּלוּהוּ (י"ג)  
 לנו כטל תהיה . . . אלי בכ אֵילֹתִי (ג"ח)  
 לנו כטל תהיה . . . אמיר אל האמירו שח גבהות קומתו (ל"ג)  
 לנו כטל תהיה . . . ישומו עלי בלתי האומרים לי האח (ט')  
 מי כמוך אל יוסד אֲדָנִי ומי דומה לך (ה')  
 מרום וקדוש שמי קדשו יפן ברחמיו איומתו (כ"ג)  
 מרום יחיש ישועה ויפדה רוה וצולעה (י"ב)  
 נשמת אלה באפו כמעין גנים (כ"ז)  
 נשמת אמוניך קוראים בגרון (ל')  
 נשמת משמעין על השקלים מאז כהעדתה (כ"א)  
 סוד ה' מכל נבצר ובריתו מהודיעם (י"ט)  
 על בלימה אדמות הן כסיתי (ל"ז)  
 על עם הקדש מי ישעך הזה (ד')  
 גִּיל בני איתני שאל ברעדה (ל"ט)  
 רם פִּלְאִיךָ ראו יום זה בעת עלו פדוים (ל"ח)  
 שובה שביתנו נשיר כימי עולם (כ"ט)  
 שמור דת חנוכה להבין ולהורות בהעלותך את הנרות (י"ח)  
 תנתן לי בשאלתי נפשי ועמי בבקשתי (כ"ב)

# ה פ י י ט נ י ס :

יצחק נ' גיאת (א'–י"ז)  
 משה אבן עזרא (י"ח–כ"ה)  
 אברהם אבן עזרא (כ"ו–ל"ג)  
 רפיה הכהן (ל"ד–ל"ו)  
 סתמיים (ל"ז–מ').

וסימן 326 שם בראשי החרחים, אני יצחק הקטן ברבי שמואל<sup>1</sup> ו, אני יצחק ברבי שמואל<sup>2</sup>. ניכר בבירור שכאן בעל המחזור סומך על הקורא הנבון שבגזרת האקרוסטיכון המלא לא יערבב את שני הפייטנים האלה עם הרי"ן הידוע והקבוע-ר' יצחק בר יהודה נ' גיאת.

שני המחזורים האלה הם מנוקדים אבל בפיוטים המובאים במאמר זה לא הושם לב אל הניקוד המקורי ההוא מפאת זרותם ואי-הבנתם של אופני הביטויים של המלים המנוקדות-בימים ההם. המלים בווא"ו ובי"ד מובאות שם על פי הרב מלאות, הדגושים חסרים כמעט בלב המקומות שהם דרושים שם לפי כללי הדקדוק. הקורא הנבון מתבקש לשם לב לזה שבהבאת מראי-מקומות לפסוקים מן התנ"ך אי-אפשר היה לי לקבוע כללים מתמידים איזה מקום להביא ומאיזה להתעלם. הבאתי מראי-מקומות כאלה רק במלים ושורות שהיו נראות לי כדרושות איזה בירור והבהרה. בחלק ההערות אני מביא להקלת הקריאה את רוב המלים במלא אפילו בניבים ופסוקים מהתנ"ך ששם הן נמצאות בחסר.

ובטורם גשתי לפירסום הפיוטים אני רוצה להביע כאן תודה וברכה לידידי החכם המפואר ר' אלכסנדר מאר כס שהעמיד לרשותי בעין יפה את שני ספריהפלא האלה וכמו כל כתביהיד שהיו דרושים לי לאותה עבודה. תהי משכורתו שלמה מאת האלהים השוכן בציון.

#### רשימת הפיוטים:

- אבאר מצות סוכה ובהלכותיה ישנים אנדר (ט"ז)
- אגודות קדושות חברת וחמדת והקדשת (מ')
- אל ארך אפים ורב חסד ... בזאת הבטחתי שובה (ל"ז)
- אל ראשון באין סוף ואחרון בלי תחלה (כ"ח)
- אנעים חכי במהלך מלכי (ט"ו)
- אפס בלתיך בעת צרה על כן לבבי בטוח בך (כ"ז)
- ארומם שם האל המיוחד אאדיר אל רם (ל"ח)
- ארזי לבנון שברת במצרים עת עברת (ל"ב)
- אשנן מפעלות שוכן שמי ערץ (ח')
- בידך כל נחויים ורם מאו ונאור (ב')
- ביום צעקי מצר ומפח מוקשי (כ')
- ברוך אשר יצר עולמו וצבאות מעלה ומטה כלם (ה')

הושטנו מאיו סוכה מן המחזור היא של דירדון, והוא הפיוט היחיד הנמצא במחזור מפייטן בשם כזה. אולם באמת אין זה מן הנמנע שצירוף האותיות בר קלו' הוא כאן רק מקרי בלי שום קשר או רמז לאיזה שם.

<sup>16</sup> ככה, למשל, נמצאים שם מלים בניקוד מזור כזה: שְׁמַחִי, יְרַחוּ, סוּלַת, אֲשִׁיחָה,

ועוד.

ידי חסר מקום בספר של פורמאט קטן כזה. קיצור מצע" הכרחי זה הכרחי לפעמים את מסדריהם של שני המחזורים האלה להשמיט חלקים שלמים אפילו מפיוטיהם של גדולי הפיוט והשירה ומהשמטות כאלו לא ניצלו אפילו פייטנים כמו ר' יהודה הלוי ומשה אבן עזרא.

ארבעים הפיוטים המתפרסמים במאמר זה כלם שאובים מתוך שני המחזורים היחידים והמופלאים האלה. פיוטיהם של ה"גדולים" כלם נכללים ב"חזונים" ואין הם נמצאים בשום מקור נרפס אחר. מר' יצחק נ' גיאת מובאים כאן שבעה עשרה פיוטים מן הסך הכולל של עשרים וששה הנמצאים שם, תשעת השאר נמצאים בדפוס במקורות אחרים; מר' משה אבן עזרא מובאים כאן שמונה פיוטים בלתי ידועים ושאר ששת עשרה הפיוטים הנמצאים שם ידועים לנו מדפוסים אחרים; מר' אברהם אבן עזרא מובאים כאן שמונה פיוטים מן הסך הכולל של שלשים וארבעה הנכללים ב"חזונים", בשעה שעשרים וששה נמצאים במקורות דפוס אחרים. מפיוטיהם של ה"קטנים" והבלתי ידועים מובאים כאן שלשה מאת רפיה הכהן שכנראה היה משורר מקהלת ישראל בצפון אפריקה, מהם השנים מספר ה"חזונים" והאחד מתוך ה"מחזור הבלתי נודע" - מחזור ב'. ארבעת הפיוטים המובאים בסוף סימן ל"ז-מ' הם סתמיים והם שאובים כלם מה"מחזור הבלתי נודע".

בדבר בעלותם של הפיוטים המתפרסמים כאן אין מה להסתפק. היא ברורה ובטוחה. מנהג משובח של דייקנות והירות יש לו למסדר ה"חזונים" שממעל לכמעט כל פיוט ופיוט הוא רושם את מחברו. לפעמים כשישנם שני משוררים בשם אחד הוא מדייק ונותן סימן בכדי להבדיל בין האחד לשני. למשל, סתם, יהודה" ב"חזונים" הריהו יהודה הלוי ולכן כשהוא מביא שיר מר' יהודה עבאס הוא משמיט את השם "יהודה" וקורא לו ר' עבאס<sup>13</sup>. למשורר אחר בשם יהודה הוא מצרף את אביו ומשפחתו בכדי למנוע בפני מכשול. אכן, לפעמים שהוא מקיל לעצמו ונותן את השם הראשון של הפייטן מבלי סימן מיוחד או שהוא לגמרי משמיט את השם, אבל ככה הוא מרשה לו רק בנוגע לפיוטים שיש להם אקרוסטיכון מלא. כאן אין לו לפחוד מפני הכשלת הקורא שהרי שם המחבר רשום במילואו בראשי החרוזים. לפעמים שהוא מוכרח להביא את שם המחבר רק בקיצור, בראשי תיבות, מפני חסר מקום בשורה שממעל לפיוט. לזה יש חשיבות מיוחדת בנוגע לפיוטי גיאת. שמו של הפייטן הזה נרשם תמיד בקיצור. הרי"ץ", הן בראש הפיוטים הידועים והוודאיים שלו והן בראש הפיוטים שלו שאינם ידועים לנו ממקור אחר. אבל אותה רשימה, להרי"ץ ז"ל נמצאת בראש שלשה פיוטים שהאקרוסטיכון המלא שלהם מעיד עליהם שאינם לגיאת: סימן 170 ברשימתו של דודון בספר פונטסקי, ישועתך גלה מקדם האל" בראשי החרוזים יצחק בר קלז (נימוס?)<sup>14</sup>; סימן 211,

<sup>13</sup> שמואל יהודה עבאס או אבן עבאסי (ראה, עמודי העבודה' 300) היה מילדי פאס שבמארוקו ונודד משם לבבל וסוריה והשווה לזה הקדמתי למאמרי, שלשה שירים בלתי ידועים של ר' יהודה הלוי, בהדואר' גליון י', ת"ש. שלשת השירים החדשים האלה שאובים גם הם ממקור ה"חזונים".

<sup>14</sup> ההשערה ש.קלו' הן התחלות של השם קלונימוס ושהבתים המתחילים באותיות, נימוס'



יהודה עבאסי, עובדיה, עלי סופר, (צדוק), שמואל בן מנחם ועוד אחרים. ניכר, איפוא, בבירור שמסדר המחזור, שכמובן הכניס אל תוכו את יצירותיהם של גדולי השירה והפיוט בספרד הידועים ראה חובה לעצמו להתחשב עם דרישות הקהל שלו ולהכניס מספר גדול מאד של פייטנים מן הקהילות המסתערבות. אפשר איפוא להגיד בוודאות, שהמחזור נושא עליו חותם בלתי-ספרדי. ומענין הדבר, שכמה מן הפייטנים המסתערביים הנזכרים כמו טויל, ברדאני ורפיה וכמו כן ר' אהרן החברס<sup>10</sup> (אלעמאני) מאלכסנדריה של מצרים נמצאים גם ב"המחזור הבלתינודע".

יש הבדל יסודי אחד בין שני המחזורים העתיקים האלה. ספר ה"חזונים" שעל ידי רשימתו המלאה והגדושה של דוידזון אנו מקבלים ידיעה שלמה ומפורטת על תכנו, מחזיק אך ורק פיוטים בלי שום הוספה של התפלות הרגילות ואפילו ברכה אחת מ"מאות הברכות" אינה נמצאת שם. לא כן עם ה"מחזור הבלתינודע". יחד עם היותו "מחזור" ליום הכפורים הרי הוא, סידור לתפלה לשחרית, למוסף, למנחה ולנעילה. זהו ספר בפורמאט קטן המחזיק קע"ט דפים שהם שני עמודים בחסר ארבעת הדפים בראש ואחרים כנראה בסוף. הוא כולל כאמור פיוטים מגדולי השירה בספרד בצירוף מספר קטן של מחברים בלתיידועים אבל בחלקו המכריע הוא כולל פיוטים ופזמונים לר' יצחק בן יהודה ו' גיאת. אליבא דאמת כל המחזור הוא, מעמד ליום הכפורים של גיאת, אותו המעמד שעל חשיבתו הראה כבר אלחריו ב"תחכמוני"<sup>11</sup>. כל הפיוטים הנכללים ב"מחזור בלתינודע", קרוב למאה ושלישים וחמשה, מלבד תשע עשרה<sup>12</sup>, נמצאים גם ברפוסים אחרים. גם במחזור זה כמו ב"חזונים" שמו של גיאת נרשם לפעמים בקיצור "הרי"ן ומתוך ריבוי הפיוטים לאותו המחבר אפשר לדון על "פופולאריותו" הגדולה בקרב קהלות ישראל הנדחות במערב ובמזרח. את העובדה שב"חזונים" אינן נכללות שום תפלות וברכות רגילות אין צורך לבאר על ידי איזו טנדנציה מיוחדת ליטורגית או ספרותית מצד מסדר המחזור. קיצור זה מתבאר פשוט על

10 השוה לזה מאמרי ר' יהודה הלוי ומשוררי בית אל'עמאני' הדואר גליין י', מג' ינואר

שנת 1941.

11 הוצאת קמינקא, שער שלישי עמוד 41: "ושיר הרב רבי יצחק, על מצח היקר הוחק. ובספרו אשר חבר ליום הכפורים הראה נוראות". הראשון שחיבר. מעמד ליום הכפורים היה ר' יוסף אבן אביתור (עין שם).

12 מתשע עשרה הפיוטים הבלתינודעים האלה, ארבע עשרה נתפרסמו בינתיים על ידי ואלה הם:

(א) שני פיוטים לר' אהרן חבר (ראה מאמרי הנזכר בהערה 10);

(ב) שני פיוטים לר' משה אבן עזרא, ראה מאמרי ב. הדואר גליין ל"ז (שנה י"ח), תרצ"ט,

עמוד 264-266;

(ג) עשרה פיוטים לר' יצחק בן יהודה גיאת, ראה מאמרי "פיוטים חדשים לר' י' גיאת" ב. תרבי"ן שנה י"א, ספר ג'-ד', עמודים 295-326 ומאמרי זה כולל מלבד עשרת הפיוטים האלה עוד ארבעה פיוטים לגיאת ששאבתי מתוך כ"י בספרית הלוונציאנה בפרינצי. שאר חמשת הפיוטים מתפרסמים להלן בסימנים ל"ו-מ.

אירופה" באו היהודים האלה לסיציליה ונתגוררו שם עד הגירוש הספרדי הגדול. הם הם שישדו ובנו את "נוסח סיויליאן", כפי מבטאו של שד"ל<sup>6א</sup>, בהתאמות ובמסירות רבה כפי שאנו רואים בהדפסתם את המחזור "חזונים" שלהם בסוף המאה הט"ז, אולי הנסיון האחרון מצדם להציל את ה"מנהג" הזה מאבדן ושכחה ולהבטיח לו איזה אפשרות של קיום והמשך, נסיון שאגב לא הצליח כידוע. סוף סוף הוא נפל בתור קרבן ב"שדהקרב" לפני ה"נוסח הספרדי" ה"כובש" ארצות ו"חולש" על "מנהגים".

לחיווך הנחתי ש"מנהג סיויליא" הוא יצירה של יהודים מסתעריים-מג'רבים ולא של "מערביים" או "אנדלוסיים" מספרד אני מראה כאן על כמה עובדות חשובות:

(א) השמות הערביים הפרימיטיביים שבהם מצויינים סימני הצורה או ה"לחן" של כמה פיוטים שבספר ה"חזונים" כמו "מצרר", "עסטריטא", "מנצרך" ועוד סימנים המקובלים ביחוד בקהילות המסתערביות ושעד כמה שידעתי מגעת אין למצוא אותם בשום מחזור ספרדי-אנדלוסי.

(ב) שמות של פייטנים מסתעריים כמו אברהם אלטוילי, יוסף ברדאני<sup>8</sup>, ורפיה הכהן הנמצאים במחזור ושאינם למצוא את שמותיהם או יצירותיהם בשום מחזור ספרדי.

(ג) אנו נפגשים במחזור בקבוצה שלמה של פייטנים מצפון אפריקה שרוב שמותיהם אין למצוא בשום מחזור ספרדי, ואלה הם: אברהם חזן, אליקים, ארוך, יוסף חזן, יוסף חן (או חזן) דמנשי, יעקב חזן, יעקב קנט, יצחק חזן, יצחק בר דוד הלוי בר ישועה צנטיין, יצחק קלעי, מבורך בן יצחק, מבורך, מוהיר, (מלמד), נחמיה,

6a אגרות שד"ל, עמ' 72-670; שד"ל מביא רשימה של ארבע עשרים פיוטים מכ"י שהוא חושב למחזור סיויליאן ואין זה המחזור "חזונים" הגדול שלנו, רק אחדים מהפיוטים הנזכרים ע"י שד"ל נכללים ב"חזונים".

7 ראה אודותיו צונץ ליטאטורג. 718. טייל פירשו בערבית ארוך ואולי הוא הפייטן ארוך הנזכר ב"חזונים". פיוט אחד ממנו נמצא במחזור ארם צובא ולפי זה יש לקבוע את זמן חייו לא יאוחר מבתקופת המאה ה"ב. פיוט יפה אחד ממנו פרסם דוד כהנא ב"האסיף" כרך חמישי (1889). צונץ רושם שמונה פיוטים לטויל אבל ב"חזונים" נמצאים עוד עשרה פיוטים משלו שאינם נזכרים אצל צונץ. עשרת הפיוטים האלה יתפרסמו במאמרי "פייטנים בלתי ידועים מארצות ערב" ב"ספר השנה ליהודי אמריקה" לשנת תש"ב.

8 שם הפייטן יוסף אל-ברדאני (Al-Bardani) נמצא ברשימתם הגדולה של Neubauer-Cowley והראשון שפרסם כמה פיוטים ממנו מתוך ה"גניזה" של מצרים היה ישראל דוידון (ראה גנוי שעכטער" ספר ג' ניויורק תרפ"ח עמוד 332). ב"חזונים" נמצא פיוט אחד ממנו "בקר אערך לך" (דף קע"ד עמוד א') וכפי שהודיעני ידידי הרב יוסף מרקוס נמצאים באוספי ה"גניזה" שבספריה שבבית המדרש לרבנים בניו יורק מספר גדול של פיוטים ופזמונים לפייטן זה. על סמך הערתו של לוי גינצבורג בספרו Geonica, חלק שני עמוד 58 הערה ז', שבקרבת בגדאד נמצא פרבר הנקרא בשם Baradan, מחליט דוידון (שם עמוד 52) שאת שם הפייטן צריך לבטא Al-Baradani ולא כקריאתם של גויבוער-קאלי. לפי זה צריך לשייך את הפייטן הזה לקהלת בגדאד.

9 ראה אודותיו בהערה לפיוט ז"ה, להלן.

לפי דעתו המבוססת של ידידי זה היו יהודים מספרד – „מערביים” או „אנדלוסיים” כפי שהיו נקראים אז – מהגרים לסיציליה עוד זמן רב לפני הגירוש השפאני הגדול בשנת 1492, אולי עוד מימי הגירות של שנת קנ"א–1391 ועוד בתקופה הקודמת ההיא יסדו להם את ה„מנהג” שלהם. כשבאה גזירת הגירוש שחל גם על יהודי סיציליה שעמדה אז תחת שלטונה של ספרד נדרו המערביים הסיציליאניים האלה לערי טורקיה ויסדו ובנו להם מחדש את קהלתם ומנהגם בקושטא או בשאלוניקי. ואין בזה משום חידוש, שכן ככה היו נוהגות כמה וכמה קהלות של יהודי ספרד מהמגורשים שנדרו לארצות המזרח ושם המשיכו את „מנהגיהם” לפי נוסח אראגון, קטלניה ועוד ועוד.

אבל ישנה חולשה אחת בבנין ההשערה הזאת האומרת דרשוני. נניח, שהגירה יהודית מספרד לסיציליה מצאה מקום עוד במאה ה"ד – מאין בא להם ההכרח והצורך החיוני ליסד להם „מנהג” חדש? מפני מה לא יכלו להמשיך את ה„נוסח הספרדי” שלהם כמו שעשו שאר הקהלות שאונסו לגדוד למקומות וארצות חדשים? והלא ידוע הדבר שיהודי ספרד מיוצאיגולה או סתםגורדים מכיון שהיו מגיעים לקהלה חדשה ומתישבים בה היו מחזיקים בהמנהג הספרדי המסורתי שלהם בעקשנות ובמסירות ולא רק זה, אלא שכמעט בכל המקרים היו דוחפים את שאר ה„מנהגים והנוסחאות” מעמידתם ושלטונם בקהל והיו יורשים אותם. די רק להראות על ה„אינובזיה” הגדולה של הנוסח הספרדי בקושטא ובשאר קהלות טורקיה אחרי גירוש ספרד שממש „החריבה” את המחזור הרומאני היחשן והשקט ותגרשוהו מחיי הדת בישראל או על ה„התקפה” הקיצונית שערך „נוסח ספרד” נגד ה„מנהג” של „מחזור קורפו” עד שירש את מקומו בכל קהלות ביצנץ ממש בלי רחמים. אין אפוא כל יסוד היסטורי והגיוני לחשוב ש„סזיליא” היתה יוצאת מן הכלל ושה„מערביים” היו לפתע פתאום לוותרנים ולאנשים בלי מסורת והיו בוחרים להם או מקבלים נוסח של תפלות חדש בלי שום התנגדות. להיפך, עד כמה שאנו יכולים לדון מפי הנסיון ההיסטורי היו יהודים מערביים – ספרדיים שהתישבו בסיציליה באיזה זמן שהיה מתחילים תיכף „מלחמת־מצוד” אנטיסבית נגד ה„נוסח” וה„מנהג” המקומי בעד השלטתו של הנוסח הספרדי שלהם, האריסטוקראטי והפוסקדאחרון ש„הוא ואפסו עוד”, ואפשר להגיד בבטחה שהם לא היו נחים עד שהיו מגרשים את ה„נוסח” הלוקאלי מחצרות בית ה'5a.

ה„מערביים בסיציליא” הם – לפי דעתי – לא ספרדים או „אנדלוסיים”, כי אם המוג'רבים, בני הקהלות הקספ־עַרְבִיּוֹת. בתור שייכים לקהלות המסתערביות מציין צונץ את היהודים מקהלות מצרים, סוריה וטריפולי שבז'וב אבל באמת שייכות אליהן בעיקר הקהלות שבאפריקה הצפונית, מארוקו, אלג'יר וטוניסיה. משם, מארצות המזרח ואפריקה הצפונית ולא מספרד או ממערב

5a ראה על זה בספרו המצוין של ד"ר ססיל רות על קהלת וויניציאה עמוד 310 עד עמוד 332 והשווה לזה מאמרי „פיוטים ופיוטנים חדשים מן התקופה הביזאנטית” ב„חורב” (כרך ה' חוברת ט-י) ה"ל בניוירק-ירושלים בעריכתו של הד"ר פנחס חורגין.  
Ritus 6 עמוד 55.

מפורסמים, ומלבד האחד (אברהם אלטאויל) שממנו מובאים שמונה פיוטים, כלם מיוצגים במחזור על ידי פיוט אחד או שנים ובמקרים אחדים לכל היותר ארבעה פיוטים,<sup>4</sup> מעין פיוטים ל"מופת" למען הכנים את שמו וזכרו של אותו הפייטן אל תוך האוסף. ועלינו לזכור את העובדה שאין כאן לפנינו אוסף סתמי או מקרי אלא "מנהג" מיוסד וקבוע שבדואי נתיסד ונשתרש במשך זמנים ודורות וכשהגיע לזמן הדפסתו בחלק השני של המאה ה"ט" היה מקובל כבר בתור מסורת עתיקה ומורשה מדור דור. צונץ ב"ריטוס"<sup>51</sup> אמנם מדגיש שאין ספק בדבר שעל התהוותו של המנהג הסיציליאני השפיעו כמה מרכזים, פעם שאנו רואים שהוא מתקרב לנוסח רומא ופעם אנו רואים אותו מושפע מ"המנהג" הספרדי המסורתי, אבל יחד עם זה ודאי הוא שבמנהג סיציליה עליו לראות מוסד רוחני בלתי־תלוי ועצמאי במסורת הלוקאלית שלו ובערכו המזרחי האינדיבידואלי. במחזור, חזונים' וכמו כן ב"מחזור הבלתינודע" אין אפילו פייטן אחד שעליו יכולים אנו להגיד בבטחה שהיה חי אחרי חתימת המאה ה"ב",<sup>52</sup> וברור שיש כאן לפנינו "מנהג" שהוא מן העתיקים והקדמונים בישראל. לא נהיה איפוא נוטים מדרך האמת ההיסטורית במדה מרובה אם נקבל את הרעה בהשערה וודאית שבמחזור "חזונים" מיוצג לפנינו קובץ פיוטי שהוא הקרוב ביותר ל"תקופת הזהב" בספרד.

בשער ה"חזונים" נאמר שהמחזור הוא לפי "מנהג המערביים שנתגוררו בסיציליא". וכאן כדאי להתעכב על השאלה מי היו ה"מערביים" האלה? בדרך כלל, ולא בקביעות, היו מציינים בספרותנו העתיקה בשם "מערביים" את הספרדים, מבני המערב. דוידזון במאמרו הנזכר אומר, שבשם "מערביים" נקראו אלה שנתגרשו בסוף המאה ה"ט" ממערב אירופה ונתישבו בטורקיה ובארצות המזרח – והוא מוסיף – שהגירוש הזה בלי ספק, הוא שסיבב שמנהג סיציליא נאבד מתוך הקהל". אלא שביאורו זה של דוידזון אומר מעט שכן אין הוא מרמז לנו כיצד נתהוותה קהלה של מערביים־ספרדים בסיציליה והתפתחה באופן כזה עד שראתה צורך לעצמה לקבוע "מנהג" דתי משלה. נסיון מענין לשם השגת פתרון ותשובה לשאלה הזאת נעשה על ידי מלומד אחר וזהו ידידי הד"ר ישעיהו זנא שבמכתב פרטי אלי הוא מביע את השקפתו על התהוות המאורעות והתפתחות הענינים בנידון המסובך והמערפל הזה.

<sup>4</sup> האחד מן המשוררים הגדולים שממנו הובאו רק ארבעה פיוטים הוא ר' שמואל הנגיד אבל סיבת הדבר של מיעוט המספר היתה שארבעת הפיוטים הדתיים היו אולי הכל מה שידוע היה אז מעטו של הנגיד. עד היום יש לנו מהנגיד רק שיריחול. שנים מהפיוטים האלה נתפרסמו על ידי הד"ר חיים ברודי בה"אשכלי של גינצי, קרקא תרנ"א עמוד 157; השנים הנשארים נתפרסמו על ידי ב.הדואר, בגליון כ"ה לשנת ת"ש, עמוד 410. ובנוגע למיעוט שירייהקדש אצל הנגיד ראה מה שכותב ח. שירמאן במאמרו, שמואל הנגיד כמשורר" במאסף, כנסת, תל־אביב, תרצ"ז עמוד 394.

<sup>5</sup> ומה שדוידזון במאמרו הנ"ל עמוד 20, רשימת הפיוטים, סימן 22 רושם את השם, יוסף קמחי' בתור מחבר הפיוט. ינתן לי בשאלתי נפשי ועמי בבקשתך, ויוסף בן דוד קמחי הלוא חי בשנת 1270 לערך, הנה צריך להעיר שבספר "חזונים" ממעל לשיר נרשם רק ל"ר' יוסף ז"ל", בלי השם קמחי.

## שרידי־שירה מ"תקופת הזהב"

מאת שמעון ברנשטיין, ניו יורק.

בספריה המהוללה של בית המדרש לרבנים בניו יורק נמצאים שני טופסי מחזורים מפליאים ויקריהמציאות שמציאותם נתפרסמה בראשונה ברבים על ידי הפרופסור ר' ישראל דוידון ז"ל. האחד הוא המחזור "חזונים" שעליו פרסם רשימה ארוכה ומפורטה; והשני הוא המחזור בלתי־נודע שהוא מזכירו במפתח המקורות ב"אוצר השירה והפיוט" שלו.<sup>1</sup> המחזור "חזונים" נדפס בוויניציאה בשנת 1585 או 1580 וה"מחזור הבלתי־נודע" שלצערנו חסר בו ה"שער" נדפס לפי השערה מבוססת גם כן באותה עיר בשנת 1565 לערך. שני הטופסים הם, עד כמה שידוע, "יחידים" בעולם ובתור כאלה הרי דינם כדין כתבי־יד מפליאים ממש וכמקורות ראשונים שערכם רב לתולדות הספרות הליטורגית הישראלית.

ספר ה"חזונים" כולל פיוטים לשבתות ולכל מועדי השנה וגם לראש השנה – מלבד יום הכפורים. נמצאים בתוכו שלש מאות ועשרים ושבעה פיוטים ומהם רק תשעים ושמונה שהיו ידועים לנו מקודם בשעה שהשאר, מאתים ותשעה פיוטים חדשים הם לגמרי. מספר הפייטנים שיצירותיהם נכנסו לספר זה הוא חמשים וחמשה ומהם שמונה ששמותיהם אינם ידועים לנו ממקור אחר. בדרך כלל אפשר להגיד שספר זה הריהו מעין "אנתולוגיה פייטנית" שנערכה וסודרה לפי שיטה קבועה המחלקת את הפייטנים ל"גדולים" ול"קטנים", למפורסמים ולבלתי־ידועים. בין ה"גדולים" והמפורסמים נמצאים שם ר' יוסף (שלפי דעתי צריך בנוגע לחלק גדול מהפיוטים לזהות אותו עם ר' יוסף אבן אביתור),<sup>2</sup> ר' יצחק בן גיאת, ר' משה אבן עזרא, ר' יהודה הלוי, ר' שלמה בן גבירול, ור' אברהם אבן עזרא. ומן המשוררים האלה מובאים בספר מכל אחד מעשרים ושבעה עד שלשים וחמשה פיוטים. שאר הפייטנים, ארבעים ותשעה במספר, הם מן ה"קטנים" והבלתי־

1 ראה מאמרו "חזונים", כמנהג המערביים שנתגוררו בסזיליא, מסה ביבליוגרפית בספר זכרון לכבוד הד"ר שמואל אברהם פוננסקי, ורשה, תרפ"ז, עמודים נ"ט–ע"ז. קטע של אותו מחזור נמצא לפני חמשים שנה בערך על ידי שטיינשניידר ונרכש על ידי הספריה הממלכתית בברלין. ראה רשימתו הגדולה של שטיינשניידר, מלואים 494.

2 ראה כרך רביעי, תשלום מפתח המקורות עמוד 9; נרשם בספריה בסימן 92020. רשימה מפורטה של כל הפיוטים והפייטנים הנכללים ב"מחזור הבלתי־נודע" ימצא הקורא במאמרי עומד להתפרסם בחוברת הראשונה של הכרך השלישי של הרבעון Journal of Jewish Bibliography היו"ל בניו יורק בעריכתו של הד"ר יהושע בלדן.

3 ראה מאמרי "ר' יוסף אבן אביתור, המשורר הראשון של תקופת הזהב", בספר השנה ליהודי אמריקה לשנת תש"א, ניו יורק 1940; עמודים 171–186.

כופין אותם על מדת סדום שיעקרו ממקומם ויבאו תחתיו. ואם יש פסידא בעקירת מקומם זה ישענו אח"כ לאחר שישלכו הזיק רבים וכו' עד וראיה מפ' לא יחפור<sup>70</sup> דקאמר אם העיר קדמה קוצץ בלא דמים וכו' עד ומכאן יש ללמוד דאפי' לא היה להם סכנה כלל מ"מ כיון שאחרים בסכנה בעבורם שהם רבים צריכים לסלק ההזיק ויחזרו ללבוש הזיקים וכו' ע"כ. הרי דאפי' רבים הגורמים הנזק ולא נשתתפו מעולם בפריעת המס כלל ולא בשום דבר אחר ולא התנו מתחילה משום הזיקא דרבים, כתב רבי' עזריאל שיש לכופם לסלק הזיקא. וא"כ נוכל אנחנו לסלק ההזיק, ולהכריח בחרם ולתקן נגד המזיק, ולמזור עליו ירחיק ההזיק, כ"ש דמגדר מלתא הוא, ולא ליהוי גיורא בשמי שמיא ויציבא בארעא, ולא גרע סכנת נפשות מהזיק ממון שיכולים בני העיר לעכב על בני עיר אחרת שלא יבאו כגון לעשות מלאכתם, כהנהו דיקולא והנהו עמוראי דאמרי' בפ' לא יחפור<sup>71</sup>, ומתקנת הישוב שנהגין בבא ממקום אחר דיני מוחרם אם יבא לשבת שם נגד רצונם. א"כ ברי לן כי אם כ"ת היה שומע קול דברינו לא היה כותב מה שכתב ולא היה מקפיד, ולכן היה טוב להחמין ולכתוב אל ב"ד העיר הקרובים אל החלל, דלאו משלחי גלימא דאינשי אנן<sup>72</sup>, ולא מצאתם אותנו לפשוט גבור בחוץ, ואם אותם שהוכרתי לא קטלי קני באנאמא אנון, ובפרט הגאון מהר"ר יחיאל טרבוט י"ן אוהבי מדינא לך, וגם לאוהבנו מהר"ר אליעזר צור י"ן ולכ"ת לא לבער ח"ו אני מחשיבך, רק כאשר כתבתי בראש כתבי זה חשוב אתה בעיני כבן עזאי, ויהי מה אם בני נביאים אתם אינכם נביאים, ולמראה עינים תוכיחו ולמשמע אונים תשפטו, וצריכים אתם לשמוע, ועל זה אני דן עמכם באהבה רבה, כי על האיש<sup>73</sup> הדורך על במותי כל לא אתמה כי זה דרכו. והנני מעיד עלי שמים וארץ כי הגאון אביו לא נתרצה לי לכתוב לבקשתי ח"ס בודון זה רק למם לבד, ועיניכם תראינה העתק כתבו והוא מירו של זה ממש, וזה דרכו לעולם לעשות תורתו ותורת אביו וצ"ל פלסתר, ומלומד בכך הוא ולא נפלאה היא ממני, ומטעם זה עם טעמים אחרים איני חושש לדבריו, האמנם ממעל' כ"ת שדרככם לכלכל דבריהם בצדק ובמשפט ועפ"י התורה, אשתומם כשעה חדא איך שניתם חקכם, ולכן נתרעמתי מכם אליכם ממש כמדת האוהבים, למען תתנצלו ותהיו מנוקים בצדק. ובאשר אוכל ויהיה לאל ידי הנני מוכן לשרת ולכהן ולברך בשמך, וה' ירים קרננו, ומכל שגיאות יצילנו, אמן.

נאם הכותב יום א' כ"ז טבת כהן פארז<sup>74</sup>

הצעיר וטרוד אוהב כ"ת כנפשו אברהם הכהן

70 בבא בתרא כ"ד, ע"ב.

71 שם, כ"ב, ע"א.

72 ע"י כתובות פ"ד, ע"א.

73 אני משער, שהאיש עילום השם הזה אינו אלא ר' אברהם מינץ בנו של ר' יהודה מינץ הנודע. גם ב.פסקים' על ענין נורצי-פינצי מתאר ר' אברהם הכהן את ר' אברהם מינץ בתוארים דומים. וגם הדברים. אביו הגאון' הולמים ביחוד את ר' יהודה מינץ.

74 = שנת רפ"א.



ושרי לכו מרייכו. והני נשבע, העבודה מעולם לא כתבתי במקום שיש ב"ד אם לא ברשותו ואם לא כתב הוא קודם במקומי ובאשר אני שם.

ולמה שצ"ל כ"ת במים אדירים לברר דאין ב"ד ובני העיר רשאין להסיע על קצתן אם לא שהתנו קודם ביניהם, הבאת מה שהביא המ"ג בהשותפים בשם ר"ת שפירש ההיא דב"ד<sup>66</sup> הפקר בגדול בדורו כגון בי דינא דר' אמי ודר' אסי דאזמי לאפקועי ממנא כדאיתא בהשולח<sup>67</sup>, בכלל מה שכתבתי למעלה יש תשובה לזה, אבל ויהי מה ארחיב עדיין המאמר בזה דר"ת לא איירי בגדון שלנו כלל, דבגדון דידן ליכא שום הפקעת ממון כאמור לעיל, דלאו לאפקועי שום תובע בצדק באנו בתקנתנו, הלילה לנו, וליכא רווחא להאי ופסידא להאי שיצטרך שיתנו קודם ביניהם, דאדרבא בבטול תקנתנו איכא פסידא דרבים, ובקיומה ליכא אפי' פסידא דיחיד, אדרבא הוא רווחא לכ"ע, למגדר מלתא נגד הרמאים כענין פרוסבול שתקן ה"ל, וקאמר ר' חסדא<sup>68</sup> מאי פרוסבול פרוס בולוי ובולוי ובא לחלוק על שמואל דקאמר ודאי<sup>69</sup> פרוסבול עולבנא דרייני הוא, וקאמר ר' חסדא דלאו עולבנא דריינא הוא, דשפיר מצו דייני לאפקועי ממנא ככה"ג דהוי רווחא לכ"ע, דאיכא תקון לעניים ולעשירים, ומשום הכי ליכא לבטול. ומההיא טעמא אין לומר בזמן הזה לבית הדין הגדול קא אזילנא, מפני הרמאין, שלא הניחו חיי לכל בריה, וכל תובע יאמר לחבירו או תן לי תביעתי או בא עמי לבית הדין הגדול, כמו שהביאו התוספות בפ' הגזל בתרא<sup>70</sup> בשם הלכות גדולות, וגם הרא"ש ז"ל בפ' זה בורר שהביא בנו בטור ח"מ סי' י"ד שישמעון ב"ד טענת הנתבע אם יש בהם ממש, ואם יש בהם ממש יכופו לנתבע ללכת לב"ד הגדול לא באופן אחר. כל זה מפני הרמאין וכן כתוב בחשובות הגאונים מבואר על המזמין א"א (=אשת איש) שיבדקו ויחקרו ב"ד יפה הדבר קודם שיזמינו א"א לב"ד ויזלזלו בה, שאם לא כן אפי' כלם בחופתה יזמינו לזלזל בה וכו' ע"כ.

ובכן בהיות גלוי וידוע לכל, היות ק"ק בולונייא חרדים משמוע גורות ואלות, יש מקום לרמאים לחשוב עליהם מחשבות, ויטילו עליהם חרם סתם שלא כדין, כדי להוציא ממון נגד הראוי וכו'. ולכן יוכלו לתקן על כל תובע הבא מבית ומחוץ לעיר בהיות נזק וסכנה מנוסה בדבר, כאשר מקובל בוקני העיר, ועיניהם גם עינינו הרואות כי בשכבר בא הגנף ב"מ<sup>71</sup>, וחמירא סכנתא, ונוכל למור על המזיק ירחיק נזקו באופן הכתוב למעלה בלי שום פסידא לו, ובמקום פסידא דרבים כ"ש וכ"ש, ואין צ"ל סכנה ב"מ. וכבר השיב רבי' עזריאל ח"ל על דבר הדוכוס אשר דרש ליהודים שיעסקו שהיהודים הדרים תחת שרים קטנים ישבו תחתיו ואם לאו כלם גרש יגרש לא תשאר פרסה, והשיב דומה בעיני כיון שהדוכוס יכול לגרש את הכל, אף אם אלו אמרו תמות נפשי עם פלשתים לא מהני, אלא

66 =הפקר בית דין.

67 גיטין ל"ו, ע"ב.

68 צ"ל: האי.

69 בבא קמא, קי"ב, ע"ב.

70 =בר מינן.



היו בידיהם בקמירינו, והנמצא בנכסים בגליל הזה בשכבר באמצעותם ועל ידיהם בא פה, והם שלחוהו ונהירין להו שבילי הנכסים האלה כשבילי דנהרדעא לשמואל בהרואה<sup>44</sup>. ולא דבר רב האי כלל, כי אין מקום ספק להטיל ח"ס אם לא יחדש לנו טענה מספקת שעליה נוכל לסמוך להטיל ח"ס, וכן כתב הרמב"ם ז"ל בספר משפטים הלכות לווה ומלוה פ"כ כי במקום שיש לשער שיודע התובע בירור הענין ורוצה לצערו ולבשו ברבים כדי להתנקם ממנו או בשביל תכלית אחר שאסור להשביעו, ח"ל הרמב"ם ז"ל מי שהוחזק שהוא עני וכשר והולך בתורה והדבר גלוי וידוע לדיין ולרוב העם ובא בעל חובו להשביעו בתקנה זו והוחזק התובע שאינו מסופק בעניות זה אלא רוצה לצערו בשבועה זו להצר לו ולבישו ברבים כדי להנקם ממנו, או כדי שילך וילזה מן הגוים או יקח נכסי אשתו ויתן לזה עד שינצל משבועה זו, יראה לי שאסור לדיין ירא שמים להשביעו שבועה זו, ואם השביעו בטל לא תעשה דלא תהיה לו כנושה. ולא עוד אלא ראוי לדיין לגעור בתובע ולמטרדו, מפני שהוא עור והולך בשרירות לבו, שלא תקנו הגאונים שבועה זו אלא מפני הרמאים, והכי נאמ' עד דרוש אחיך אותו דרשהו אם הוא רמאי או אינו רמאי, ומאחר שהוחזק זה שהוא עני ושאנו רמאי אסור להשביעו וכו' ע"כ.

ועל אלה אני בוכה כי זה המסית השמיע לכם בשפת חלקותיו דברים אשר לא כן, להחזיק האנשים האלה אינשי דלא צייתי דינא וחומדי ממון אחרים, ורצונם להפיק רצונו. והיה ראוי לשמוע קודם, ובנסיון נראה כי חנם הוטל החרם, ומובטח אני ברוח הקדש שעליך כי בעין שכלך הטהור תראה כי זה גונב דעת הבריות הוא, וכאשר יחקור כ"ת בענין תמצאנו אמת נכון הדבר. וא"כ ראיית כ"ת מתשובת רב האי איננה ראייה ושאני הכא. וכן מה שכתבתם גורתכם כוללת, שאומר כ"ת לא פרשתם בולגוניא, דוקא לפי ע"ד הוא יותר חרץ מן הדין, כי מרגלא בפני הלועזים משנת פסחים פ"ק<sup>45</sup> מקום שאין מכניסים בו חמץ אין צריך בדיקה, ובמקום שלא היה למוריש מעולם שום עסק לא תגורו להשמיע אלה, דבר הוא זה לפעור פה וללעז כל המדינה, דלאו כל כמיניהו להחזוקי כולי עלמא בגנבי. ומה שהוקשה לכ"ת כי אם יש שוברים לנתבעין עשוין כהגן ובחקון למה יחישו להשמעת האלות, יפה דברת ובומנו דברת האמת כי הם אינם חוששין כאשר ישערו נקיון כפיהם, אך יחושו ביום הקהל בבא איש בשאט נפש ועל יד העש"ג לפרסם חרמים חנם בעל כרחנו וגדר תקנותיהם, וח"ו מגורותם יבאו לשונאיהם ויסופו חנם ויתגלגל הדבר ע"י אפילו גלגול רחוק. ועוד כי בהיותם צייתי דינא רע עליהם המעשה כי זה יציא עליהם לעז וגם עלינו, ועל זה חששנו גם אנחנו, כי תל"ח עדיין לא מצאתם בנו עול, ולא עני דין ולא עוות דין ולא רחמים בדין ולא נשיאות פנים בדין, אם לרל ואם לעשיר, והכל שוים לפנינו לשפוט צדק בין איש ובין אחיו ובין גירו. האם במחתרת מצאתם אותנו אוהבי הבצע וידינו דמים מלאו ובתניו מלאה שוחה. הרעותם לנו להחזיקנו בחזקה שאינה חוקתנו ולא חשתם לכבודנו

ולחרים מכשול מן המורים ולקשור ידי הרמאים ומדרך עמי(?)<sup>67</sup>, ולסקף המסילה והרחק הנוקים והתקלות כאמור, ואל נהיה נספים בלא משפט. וגם כי כ"ת וחביריך לא חששתם לכבודינו, אנחנו חששנו לכבודכם ולא רצינו לבטל מורתכם כלל עם סבה אחרת נצטרכה לזאת, כי אהובי האמת והצדק אנחנו והיה צדק אזור מתנינו והאמונה אזור חלצינו, וחששנו פן יאמר ההפך וכי אנחנו נושאים פנים בתורה וחלילה לנו, וקיימנו בנפשנו והייתם נקיים מה' ומישראל כדאיתא בשקלים פ"ג<sup>68</sup>, ועברנו על מדותינו ולא גורנו עליו שמתא משום אפקרותא כעניין ההוא תלמידא דאורי בחרתא דארגי, ועל שחלל את השם להביא דבר בעש"ג ועדיין לא ראה ולא הרגיש שום נטיה בדיון את ההפך(?)<sup>69</sup> כי הוא יודע ומכיר את האנשים האלה צייתי דינא ניהו, וגם ברי לו כי לא נשאו פני איש, ונקל היה בעיניו חלול ה' כי חנם רץ לעש"ג לאנוס קהילא קדישא להשמיעם קול אלות שואו גם תעבו, כאמור, ובקנס על פי מצידו<sup>70</sup>, ולכל יצא אדם מבה עד יכריז ויפרסם חרמיו ואיש לא ימחה בידה. וכ"ת אומר כי מפני חלול ה' ניערת חלציק לעשות זה, ואף על זה פקחתי עיני ולא מצאתי שום חילול ה' טרם בא פה האיש הזה אניילו מקאשי' הנ"ל אשר מידו היתה זאת והוליד<sup>71</sup> בתוך כמה עשרות ומאות בישראל, כי לבו ולבי ידעון כי היה הדבר קרוב להצלחה והיו מבררים אותו ברורים כרצונו, אם אלופים אם בעלי בתים ואפי' חוץ לבולוניא, ויען כי כ"ת יאמין לדברי ולא תשים ספק כאשר יצא מפי פעם אחרת, כי לא נסיתי לדבר כזב ולעשות עולה, ענייך תחזינה עדות ברור, העתק כתב אחד מהגאון מהרר"ל כתב לי על ידי האיש בעצמו, וגם העתק כתב אחר כתב לי המפואר כמר' אלחנן יעל יצו' מפאנו, אחד מהנתבעים, אשר נשמעו<sup>72</sup> הנמשך שלח אליו הכתב עם שורותיו מכתב ידו ממש ותקרא נוסחו. העל אלה תתאפק נפשנו, אם באיש אשר כזה לא תתקם, ותל"ח התאפקו וכבשנו יצרנו למעניכם, ובפרסום מעלתו בחכמי התקנה נתקררה דעתנו. וגם זה להסיר מכשול מדרך עמנו. והאנ(?) לכ"ת כי חלול השם לא היה כאן שיצטרך כ"ת להסירו, אך הנוכל הולידו באופנים שונים, כי אם תרבו לו בורית ההתנצלות לא תוכלו להסירו לא תוכלו כפרו.

ומה שכתב כ"ת מתשובת רבי' האי גאון אשר הטור ח"מ מביאה בסי' ע"א ואשר קדימוה הביאו אותה בספרי פסקיהם העטור במאמר חמישי, וגם בהג"ה במג"ג<sup>73</sup> פ"ק דשבועות אין לה שייכות בכאן, כי ההיא מיירי ביתומים שהם קטנים שאין יודעין במילי דאבהוין כלל, ובדבר שיש לשער איזה מן (מין?) ספק העלם נכסים, אבל בנדרון כי ההיא אשר כל מוצאי ומובאי הנכסים היו לעולם על יד היו?<sup>74</sup> הזה ועל יד אניילו דקאשי', וידעו הם יותר במעליהם בחייהם, ועקר הנכסים

67 יש כאן איזה סירוס במשפט.

68 משנה ב.

69 צ"ל, אך ההפך.

וה צ"ל, והולידו - והביא ילדי חילול ה'.

61 צ"ל, בשמעו.

63 = ה'יורש.

62 = במרדכי גדול.

כמסור בצווים וקנסות ע"י העש<sup>53a</sup> לבבל יצא איש ממקומו מבית הכנסת. ולאין צורך התעיב השחית בזה כמבואר בתשו' ר' האי שהביא כ"ת שאומר ואם לא רצה להתעכב בב"ה אין מונעין אותו, ואפי' יצא בשעה שזה החרים החרם חל עליו וכו'. ואם הרבנים היו כותבים לנו היינו עושים הנהוג בנדרון שלפנינו אחרי מתן וחמוץ הדין ושמיעת דברי שניהם יחד מדברים כראוי, ואם היה הדין נותן להשביעו או להטיל ח"ס היינו עושין באופן הנהוג. א"כ תקנתנו נעשית עם יפה עינים וטוב ראי וטעמיה טעם מן, ולולא נעשתה ראויה להעשות ולא הועילה עם זה הקופץ באמבטי רותחת.

ולאשר בנה כ"ת יסוד חוק לאמר כי תקנתנו לא נודעה ולא שם לה על פני חוץ, אשתומם כשעה חדא איך אישתמיט מכ"ת כי הלא כשנה תמימה ממרחשון רע"ב עד סוף טבת רע"ג היתה ביד כ"ת שלחתי ע"י המפואר כמ' בנימן יצו' מספורנו ליד כ"ת ולכך מורה נמצא בכל גילי למרקא'. ואז היה על אודות טענת היתום בן כמהר' שמואל זלה"ה מפיסא צורך לשלחה לכם כי חששנו פן יגזרו עליו לצאת מעירו הרוצה לדין נגד הראוי, והיה אז ג"כ מי שמנהגו לדרג על ראשי עם קדש המגום לכתוב אלה על ככה, וכ"ת הסכים עם הישיש הרב המופלא כמהרר' יצחק שמואל זנו"ל אשכנזי זלה"ה ועמי לבבל יצא מעירו בפסק בנית על ככה ואיך לא נודעה, ועוד כי אנני'ו מקאשי' ידע והויד ועדיו בידו כי הביא פה פאטינטי<sup>54</sup> מאדוננו הקשור<sup>55</sup> יר"ה השיג ממעלתו לשבר תנאי הבעלי חנות בזה ולשבר תקנה זו בשם, גם כל הפאטינטי תהיה לשום אדם יוכל מכחה למחות על ידו בפרסום החרמים שלו, ובפרט פטינטא אחת הושגה לשמי בלי ידיעתי היה מבקש לשבור אותה, והשיג והוא ידע כי אנכי אינני נוהג על פיה כלל. ועדי בשמים וסודי בארץ כל הק"ק הזה, ולא היה צריך לכל זה, וכ"ת אומר כי לא נודעה. ועוד כי בשעת מעשה התריתי בו זה עשר פעמים לעיני כל הק"ק הזה אשר בב"ה, והודעתי ראה כי יש תקנה עם חרם למפרסם שום גזרה אפי' בע"פ בלי רשות הרבנים והפרנסים יהיה המפרסם גר ותושב, כל זה להבחין בין שוגג למזיד כדת לעם הארץ אליבא דר' יוסי בר' יהודה בפ' בן סורר<sup>56</sup>, ולא אבה שמוע, ואיך ינצל אותו כ"ת באמרו כי לא ידע ולגלול (ולכלול!) נדון זה בגלל (בכלל!) נדרי שגגות, וכי זה בכלל שוגג? ודאי על זה יאמ' שוגג כנמרד וא"כ אין כאן מקום לאותה ראייה כלל. ומדעתי כי כ"ת ירא אלפים וסר מרע, שמחתי לצאת לקראתך באורך ולהעריך משך הדרוש וענינו על אמתתו, יען תמשוך יריך ותודה על האמת כמנהג הטוב.

ולאשר אמר כ"ת כי במקום שיש חלול ה' אין חולקין כבוד לרב, הלא העירותיך כי תקנתנו להסיר חלול השם נתקנה על כל הפנים האמורים למעל',

<sup>53a</sup> הערכאות של גוים.

<sup>54</sup> Patenti=זכות ורשיון.

<sup>55</sup> הקיסר (?); יותר נראה שצ"ל הקמיסר, כי בולוניאי היתה אז תחת ממשלתו של

האפיפיור, שמינה קמיסר ממלא מקומו (Vicario).

<sup>56</sup> סנהדרין דף ע"ב. ע"ב.

ולא מיבעיא כי האי תרבא דאיתירי בבבל משום שיש לו לנהוג כחומרי המקום שהלך לשם ולא יקל מפני המחלוקת, אלא אפי' ההולך ממקום שמחמירין למקום שמקילין ואפי' דעתו לחזור יש לו לנהוג כקולי המקום שהלך לשם ולא יחמיר כמנהג מקומו מפני המחלוקת בדבר שנכר שיש בו שנוי מנהג, כדמוכח לקמן דאמרינן ממקום שאין עושין למקום שעושין ואף ישנה מפני המחלוקת ונעביד והאמרת נותנין עליו חומרי מקום שיצא משם ומשני רבא אין בזה משום שנוי מחלוקת כלום<sup>46</sup> ודאי לא יעשה כי צריך לנהוג חומרי המקום שיצא משם ואין בזה משום מחלוקת דמימר אמרי מלאכה הוא דלית ליה פוק חזי כמה בטלני איכא בשוקא<sup>47</sup>, משמע הא לא אפשר בלי מחלוקת היה לו לעשות עמהם מלאכה דגדול השלום ויש לו לעבור על מנהג מקומו ע"כ. א"כ לאניילו מקאשי' היה לו לחוש (לבדתי שנות) מנהג מקומו מפני המחלוקת.

רביעית, ראו המתקנים הסכנה, כי קבלה ביד זקני העיר כי בהשמעת קול האלות בצבור באים לידי תקלות ומבוכות כאשר יראה כ"ת בעדות אשר אני שולח. ולולי כי האיש(?)<sup>48</sup> מיהר ופחו לפרסם חרמיו היה באולי קרוב לוראי מציא נגד הדין איזה דיבה<sup>49</sup> להרחיק שמיעת קול אלה בצבור, כי כל העדה כלם קדושים וחרדים מאד לשבועות ואלות, כי אפי' על תנאי ועל חנם קללת חכם היא באה כדאית' בברכות פ' ה' הוואה<sup>50</sup> ובסוכה פ' החליץ<sup>51</sup> ובמכות פ' הגזילין<sup>52</sup> אבל נשאר כמעט בפשרה על ידי זה הקיץ שעבר, וגם עתה נאמר לו מפי אחד מהנתבעים הנני מוכן ומזומן לעמוד אתך לדין בכל אופן וזמן שתצא, ונחבא לברוח ולפרסם חרמו ודמו בראשו. ולא לקפח זכות התובעים במה שזכה התורה הקדושה להטיל חרם סתם במקום הראוי נתקנה תקנתו ח"ו וחליצה לנו, רק להציל נפשות נקיים דלאו בעלי דברים דתובע הוה, לבד ישמיעם קול אלה בעל כרחם. ולזה<sup>53</sup> חרד יחרדו מפני התקלות הבאות אשר עיניהם הרואות ויצדקו בגסיון גמור, ומנהג הוא ליחד מקום לפרסם החרם בין הכתות בעשרה בבית החיים או בדומה ויש קצת סמך למנהג מפ' ואילו מגלחין<sup>54</sup> גבי ההוא אלמא... עד אמר לי' שקלי' אחתי' בכדא ואחתי' בי קברי וכו'. ופרשי' דלא שכיחי תמן אינשי... כי יתר הקהל מה להם ולאניילו מקאשי' עמהם להשמיעם בעל כרחם מה שתעב להם ומה שנהגו עליו לחרד חרדה עד מאד ולהרחיקו הרחקה רבה, לבא עליהם

46 עי' פסחים נ"א, ע"ב; נ"ה, ע"א.

47 בכתי' כתוב כאן, האבלי'(?), ואולי צ"ל, הנ"ל.

48 אולי צ"ל, דינר' או, דבר'.

49 ברכות נ"ו, ע"א.

50 דף נ"ג, ע"א. בסוכה באמת אין המאמר הזה נמצא, אבל נמצא = המאמר על אחיתופל שממנו למדים במכות שקללת חכם אפי' בחנם היא באה. כנראה, שר' אברהם הכהן ציטט עפי' איזה, מסורת התלמוד, שהיתה נפוצה = באיטליה, ושם מצא רשום אצל המאמר במכות, סוכה פ' החליץ.

51 דף י"א, ע"א.

52 =סוף על זה.

53 מועד קטן י"ז, ע"א-ע"ב.

אל בית הגנב זה הגונב דעת הבריות שאין לו ממון אצל חברו וטוענו ומשביעו. לכן קמו ראשי עם במחוקק במשענתם וגדרו גדר על זה ולא יועילו לו לחובע ברמאות מעשיו הרעים להכשיל למורים ולחבוע ממון שלא כדין ולגרום שבועה או אלה חנם.

שלישית, לגדור גדר נגד המורה אשר גבה לבו לדרוך על במותי כל, שאינו נוהג חבה ורעות עם חברו כב"ש וב"ה ואינו מקיים האמת והשלום אהבו כמנהג ב"ה עם ב"ש וב"ש עם ב"ה כדאיתא בפ"ק דיבמות<sup>39</sup>, האומר בלבבו אני ואפסי עוד, ואינו מחשיב לב"ד העיר ואפי' בקשיש מיניה ודחיל חטאין מיניה, ולא חש דלאו אורח ארעא לעשות כן, ובפ"ק דשבת<sup>40</sup> מביא בגמ' עובדא בההוא תלמידא דאורי בחרתא דארגזי כר' שמעון ושמתיא ר' המנוא עד באתריה דרב הוה וכו', ובפ' כל שעה<sup>41</sup> אמר שמואל להנהו דמזבני כנדי וכו' עד אתרא דרב הוה וכו' ובריש ר' אליעזר דמילא<sup>42</sup> ובסוף פ' כל הבשר<sup>43</sup> לוי איקלע לבי יוסף רישבא וכו' עד ולא אמר להו ולא מדי וכו' עד אתרי' דר' יהודה בן בתירא הוי ואמינא דלמא דרש להו כר' יוסי הגלילי ומביא הגמ' גם זה בפ"ק דיבמות<sup>44</sup>, ומביא עוד דר' אבהו כר' מיקלע לאתרי' דר' יהושע בן לוי הוה מטלטל שרגא וכי הוה מיקלע באתרי' דר' יוחנן לא הוה מטלטל שרגא משום כבודו דר' יוחנן, ופרשו שם התוספות אפי' נפל על טליתו לא הוה מטלטל וכו' אלמא למורה אחד יש לחוש לבלתי הורות במקום מורה אחר ולבלתי הורות הלכה למעשה תהיה נגד דעתו משום כבודו כמו שהיה עושה ר' אבהו ואפי' הוא בעצמו יש לחוש גם כי יהיה גם הוא גדול כמעלת רג', כ"ש תלמידא ואפי' דהלכתא כותיה אין להורות נגד רצונו ודעתו, כ"ש אי לאו הוי אפי' תלמידא כי האי אניילו מקאשי' מכ"ש דההוא תלמידא דאורי בחרתא דארגזי כר' שמעון במלתא דהלכתא כר' שמעון ושמתיא ר' המנוא, ולא בפני רב הוה ולא בפני ר' יוסי הגלילי הוה עובדא דבי ר' יוסף רישבא כי כבר נחו נפשיהו. ועתה בנודן שלנו הגם לכבוש את המלכה עמי בבית ולא חש לכבוד ב' אלופים היו אז בב"ה ממלא חפצו ודבר דבר לעשות מה שלא ירשה עצמו שום פרנס תושב העיר, א"כ יציבא בארעא וגירא בשמי שמיא. ומי יתן והיה חושש לכבוד ראשי עם, אנשים חכמים ונבונים וידועים ראויים בכל מקום להחשיבם, ולא יהיה רק שני בדבר התלוי במנהג משנה שלימה שנינו בפ' מקום שנהגו<sup>45</sup> ולא ישנה אדם מפני המחלוקת, ואפילו במילי דשמיא כשדעתו לחזור במקומו פסק הרא"ש ז"ל ח"ו דוק' בצנעה שלא ישנה מפני המחלוקת, ולהכי רבה בר בר חנה אכל דאיתירי בבבל משום שהיה דעתו לחזור לא"י ואפ"ה כסייה, אבל בפרהסיא לא,

39 דף י"ד, ע"ב.

40 דף י"ט, ע"ב.

41 פסחים ד', ע"א.

42 שבת ק"ז, ע"א.

43 חולין קט"ז, ע"א. מביא עפ"י מקור זה; בשבת הגירסא אחרת.

44 דף י"ד, ע"א.

45 פסחים נ', ע"ב.

המלך תחילה עם המורים ועם ראשי הקהל חקני העיר, כי עליו עקר תקנתנו לא על שום מורה, כי תקנתנו איננה לאסור ידי המורה לבד יורה בצדק, אך להביאו אל זה<sup>33</sup> כאשר אכתוב לפני בס"ד. ועל המביא ומפרסם שום גזירה בלי רשותנו גזרנו, ואם לא נגזר ראוי לגזור מחדש, ואלה הם טעמי התקנה אשר כל ירא אלקי' וסר מרע אל ירהר עליהם, וכולם היו למגדר מלחא ואפי' נגד הדין הותר כמבואר בהאשה רבה<sup>34</sup> ובנגמר הדין<sup>35</sup> אמ' ר' אליעזר בן יעקב שמעתי שב"ד מכין ועונשין שלא מן התורה וכו' אלא לעשות סייג ומביא שם מעשה באדם א' שרכב על סוס בשבת וכו' עד ומעשה באדם א' שהטיח באשתו וכו' ושמעון בן שטח תלה שמנים נשים באשקלון לעשות סייג ובגמרה (!) בהאשה רבה אמרנו מגדר מלחא שאני.

ראשונה, לעמוד נגד הפורצים חומת התורה המבקשים הוראות מהמורים בלתי שמוע שניהם יחד מדברים, אשר לע"ד אותה הוראה בטלה ויש לה דין עורכי הדינים, ודין זה הוא בפ"ק דסנהדרין<sup>36</sup> נדרש מפסוק שמוע בין אחיכם ובשבועות פ"ד שבועת העדות<sup>37</sup> מפסוק מדבר שקר תרחק, כענין שלנו אשר עשה הפורץ גדר בשפת חלקותיו ובדבריו הרכים משמן, והמה פתיות, לשאול ממכ"ת וממורים אחרים הוראה בלי שמוע אל הכת האחר כי כאשר ישמעו דבריו אולי לא שייך בעניינו לא שבועה ולא חרם סתם. ולכן היה טוב להתנהל לאט ולכתוב לב"ד העיר הקרוב אל החלל והוא ישמע דברי שניהם יחד מדברים ואם יראה הוא כי שייך שבועה או חרם סתם הוא יטיילנו או ירשנו להטייל.

שנית, נתקנה התקנה לעמוד נגד המרמים (האדבי!) דעת הבריות להטיל חרם סתם במקום שאין ראוי והם עצמם יודעים שאין צורך כעין הנדון שלנו, והנסיין יוכיח כי במקומנו לא היה שייך שום חרם סתם, שהרי פרסם החרמים ולא נתגלה יותר מן הגלוי להם, כי הם היו אשר בידם היה בית כמ' אליעזר מקמירינו זל"ה, כי מה שבא בגליל הזה מאותם הנכסים ההם היה ע"י אניילו מקאשי' ומשלחו שלמה מפונציפונצי, והם יודעים הכל ומידם היתה קבלת הנכסים או המעות אשר לנפטר בגלילות האלה ומה ידעו המחזיקים האלה אשר לא ידעו הם. יראה כ"ת אמתלאה גדולה לרמאות בהטלת חרם זה, כי לא רצה לתת לי העתק מכתבכם, והלך לו ולא שב עוד לדעת מה פעל החרם סתם, ומה נתגלה ע"י הגזירות והאלות אשר פרסם, יען ידע וברור לו שלא יגלו מאומה שאינו גלוי ומפורסם כאמור שאין להם לגלות מאומה, והאמת שלא מעל בחרם, כי אם בודאי כי בא ברמאות ובנכל לפגום בכבוד אנשי סס ולגנוב דעת הבריות, ולהטיל ח"ס להוציא ממנו שלא כדין. וזה עון פלילי כדאיתא בפ' שבועות הדיינים<sup>38</sup> דרשו שם על פסוק הוצאתיה ובאה

33 צ"ל: אניילו.

34 יבמות צ', ע"ב.

35 סנהדרין מ"ו, ע"א.

36 דף ו', ע"ב.

37 דף לא, ע"א.

38 שבועות ל"ט, ע"א.



באיש כמוך שהתורה חביבה לך ועליך נאמר יש מפור ונוסף עוד<sup>17</sup>, ואעלה בדרכי כ"ת להשיב על ראשון ראשון, ודרך המלך אלך לפנות הדרך, ואסיר ראשונה כל רוע לב וכל קפידא, כדת ההולך לעשות<sup>18</sup> מנפח יד על יד והולך שמביא התלמוד בברכות פר' מי שמתו<sup>19</sup> ובערובין פר' בכל מערבין<sup>20</sup> ופסחים סוף פר' האשה<sup>21</sup> בחגיגה פר' חומר בקדש<sup>22</sup> ופ"ק דמ"ק<sup>23</sup> ובסוף פ"ד<sup>24</sup> דכתובות. ובכן במסלה אעלה להסיר תחילה כל קפידא ומחשבת פיגול נתלה בדברי כתבי הראשון, וזה החלי בס"ד. ראיתי בראש כ"ת<sup>25</sup> גם בסופו כי הקפיד כ"ת מאשר כתבתי כי כ"ת נתפתה, והלא לשון זה נמצא בכתוב על ההפצר ורבי התחינה, ירמיה הנביא אמ' לה' ית' פתיתי ה' ואפת וגו',<sup>26</sup> ושלמה אמר בחכמתו בספרו משלי בני אם יפתוך חטאים וגו',<sup>27</sup> כלם לשון הפצר כשמדבר הכתוב בפיעל. וכשמדבר בהתפעל יורה התפעלותו מההפצר ורבי דברי התחינה, והעד על זה דברי גדול המפרשים רש"י ו"ל בפ"י התורה על ויעתר אל ה' וגו'<sup>28</sup> שכתב נתפצר ונתפתה לו, ואין לפרש לדעתו שום ענין תכנה ממנו שום תאר מגונה כיון שמדבר בהקב"ה שנתפתה ליצחק. וא"כ אל תחשוב לשום דבר זר כי אין דרכי(?) שום אדם, ולכ"ת אהבה רבה אהבת עולם אהבה נפשי, והוי דן את כל האדם לכף זכות כתוב במשנת רבינו הקדוש פ"ק דאבות ובב"ק פ' המניח את הכר<sup>30</sup> אמרינן האי מאן דבעי למהוי הסיידא לקיים מיצי דאבות והוי מהדברים שאדם אוכל פירותיהן בעולם הזה והקרבן קיים לעולם הבא, והדן את חברו לכף זכות דנין אותו לזכות כדאיתא בשבת פ' מפנין<sup>31</sup>. גם כתב כ"ת כי לא עברתם על תקנתו, במחילה מכ"ת אני לא כך כתבתי ולא דברתי ואפי' לא עלה במחשבה לאמר כי אתם עברתם על דברי תקנתו, הלא אמרתי בודאי על ה(?)<sup>32</sup> מפורסם מכתבי גורות בקהלנו בלי

17 משלי י"א, כד.

18 צריך להשלים לעשות/פסח/ ומרמו על המאמר בודקין לעושי פסח אר"י אמר שמואל מנפח בית הפרס והולך.

19 דף י"ט, ע"ב.

20 דף ל', ע"ב.

21 דף צ"ב, ע"ב.

22 דמועד קטן ד', ע"ב.

23 צ"ל: פ"ב=פרק ב', דף כ"ח, ע"ב.

24 ככתבו.

25 ירמיה כ', ז.

26 משלי א', י.

27 בראשית כ"ה, כא.

28 בכת"י מלה אחת מטושטשת. הענין מוכן והריני משער שצ"ל: ,ואין לבי נס בשום אדם',

או: ,ואין דרכי להיות בז לשום אדם'.

30 דף ל' ע"ב מאמר רבא.

31 שבת קכ"ז, ע"א-ע"ב.

32 ההעקקה במקום זה מסורסת. הכוונה היא, שר' אברהם הכהן במכתבו הקודם הראה על הגזרות שגמרו על האיש שמביא הגזרות בלי המלך וכו' אבל לא על המורים וצריך לתקן על פי זה: על המפרסם.



צ'עתו מרת פירינה תמ"א, ואז קם הגאון מהר"ר אברהם כהן צדק יץ' ויגער במבית הכנסת ואמר להם כי נלכדו ברשת החרמים, כי משנים קדמוניות נעשית תקנה בבולוניה בקנס חרם כי שום אדם לא יביא חרם בבולוניה בלי רשותם, והוא בפיו מלא לומר אלי כי לא נודע להם תקנה זאת. על אלה נפלאתי הפלא ופלא אם כנים דבריו, ולא האמנתי, כי לא יאמן, שפה קדוש מאור הגולה מהר"ר אברהם כהן צדק אמר כדברים האלה אשר כל רז לא אנס ליה עתיר נכסי ועתיר פומבי, ואמרו רז"ל אין אדם לוקה אלא בעדים ובהתראה... ועוד נראה שהתקנה שתקנו וגמרו הקהל זה דוקא על בני עירם ואינם יכולים לגזור לתקן על מי שאינו מקהלם... מכל הראיות שכתבתי נראה לי פשוט כביעתה בכותחא שאין עליהם שום צד חרם כלל ועיקר ואין צריך התרה... ולנחיצת המוביל לשים לדרך פעמיו ולרכוב על עב קל ועל סוס המהירות לא הארכתי כאשר עלה על רוחי הקצרה. אמנם ידעתי נאמנה כי אין כל דבר נעלם ונסתר ממע' הגאון מהר"ר אברהם כהן צדק יץ' כי כל תורת ה' בפיהו ובלבבו, אמנם אמר הדברים ההם בבית הכנסת למען יסירו החרם ההוא ולא יתפרסם במקלות קדושים לבל יכשלו בו שום אדם ומחשבתו לטובה ויש לדון אותו לכף זכות כאשר אמרו רבותינו ז"ל כי קדוש וגורא הוא. וה' יראנו נפלאות מתורתו הקדושה.

מודעת זאת בכל עמי הארץ כי **ה' נקרא על כמ'** אלחנן מקאשי יצ"ו ועל הר' אליאב יצ"ו בכמ' שלמה מפונציפונצי יץ' כי לא נלכדו ברשת החרם אשר טמנו ק"ק בולוניה ולא נפלגו בשחיתותיו ואין להם עון אשר חטא כאשר כתבתי, לכן כל איש הירא ורך הלבב לא יגור מפני האף וחומת החרם ההוא וממחיתו כי לא תקרב אליהם, כי קרוב הדבר אלי שהרב הנ"ל לא שת לבו וכונתו שיחול עליהם החרם אשר לא כדת, חליצה לאיש אשר צדק ילין בו וארחות צדיקים ישמור, רק פעל ועשה אלה, אם אמת הוא, למען תת פחד עליהם להסיר מכשול החרם מדרך עמנו, ומברכות ה' יבורכו והיו נקיים מאלת החרם והיו לברכה בקרב הארץ.

ואתה אדוני רם ונשא וגבה מאד<sup>16a</sup>, אחת אשאל ממעלת תורתך אותה אבקש הענק תעניקם מברכותיך ושמתחם מיוגם כי כן יבורך גבר ירא ה', והייתי לאדו' לעבד עולם.

### III.

קס"ו. פסק מהגאון כמוהר"ר הכהן מבולוניה.

איש אלקי' נורא החכם השלם הרב המובהק, רוכב שמים ירכב כ"ת על רום ההצלות ויגדל כבא כ"ת כרצונך אמן. הן היום הגיעני כתב רובי תורתך, ואמרתי בשעת המפזרים אל תכנס גדר מאמר הל"ל הזקן בהרואה<sup>16b</sup>, בהיות כי יש די לדור

<sup>16a</sup> מלשון התשובה נראה, שאינה ערוכה לר' אברהם הכהן, כי המדובר עליו תמיד בגוף שלישי, ומשער אני, כי היא ערוכה לר' שמואל מצ'נולי, אחד הרבנים החשובים שבלמרקא, שר' יחיאל פונה אליו תכופות.

<sup>16b</sup> ברכות ס"ג, ע"א: הל"ל הזקן אומר... בשעת המפזרים כנס.

## מקובץ תשובותיו של ר' יחיאל טרבוט

### I.

סי' קי"ד... חדשים מקרוב באו משמיעים קול ענות חלושה נהי בכי תמרורים צעקת כמ' שלמה פונציפונצי ין' וצלעתו מרת פיורניה מב"ת, ותרב צעקתם יריעו אף יצריחו באמרים כי לשנים עברו חלפו למו נפטר כמ' אברהם בן ציון ז"ל בכמ' אליעזר שבתי ז"ל מקמירינו אחיה של מרת פיורניה הנ"ל אשר לה ולבעלה כמ' שלמה משפט הירושה באשר אין לו גואל ויורש קרוב מהם. ועתה זועקים אוי ואבוי להציל עשוקים מיד עושקיהם כי יודעים הם נאמנה כי כמ' אברהם הנ"ל עזב ביד אחרים חילו, כי היה לו הון עתק ועושר ואשר הושב אליהם הוא מצער. ותרב צעקתם לאמר כל איש הירא את דבר ה' יתן אל לבו להשיב אליהם את אשר הפקר אתו לבל תלין בביתו עולה, ואין איש שם אל לב, לאפס ותהו נחשבה להם תחינתם וצעקתם. לכן בשמעי חסם ושוד הגדול הזה, אם אמת יגהה חכם כאשר השמיעוני, לא אוכל און ועצרה, באשר אנחנו מצווים ועומדים מדין תורתנו הקדושה, והרת ניתנה להעמיד היורש אל נחלתו.

ועתה הנני גחר בכח נח"ש על כל איש ואשה אשר יכנה שמו בישראל, קרוב או רחוק, אשר היה לו בידו או יש לו בידו מנכסי עזובין כמ' אברהם בן ציון ז"ל ואביו כמ' אליעזר שבתי ז"ל, אם מעט אם רב כסף או שוה כסף, שטרות או פנקסים או כל דבר יהיה לתועלת כמ' שלמה ין' וצלעתו מב"ת פיורניה תמ"א, יחזירם אליהם או יעשו באופן שיגיע אליהם ולא יאחר. וכל איש ואשה אשר יודע אליו מי מחזיק בידו מעזובין ההוא בכח גורתי זאת יגידנו ויודיע להם מי המחזיקו אשר הוא מחזיק, ולא יעלים ויחסר דבר הן כסף הן שוה כסף או כל דבר אחר יעלה ערכו ושוי ויתר מעשרה דוקט' המגיעים לירושת מרת פיורניה ולאשה כמ' שלמה, הן יהיו בידו בתורת הלוואה ועיסקא הן הופקדו בידו או באיזה אופן שיהיה. ואם באולי ושמא האיש או האשה המחזיק בידו מן העזובין ההוא או שנתנם בפקדון או בהלוואה ביד אחר מטה ידו ולא ישיג לשלם את נשיו או אשר הפקר אתו, אל בעליו יבוא ויתחנן אל מרת פיורניה הנ"ל ולבעלה ויתן אליהם את אשר חמצא ידו או ישתעבד אליהם.

### II.

סי' נ'.... הנה צעקת כמ' אלחנן מקאשי יצ"ו באה אלי מצדו ומצד הר' אליאב ין' בכמ' שלמה מפונציפונצי, יריע אף יצריח באמרו כי זה ימים עברו חלפו למו הלכו בבולונייא ונשאו אתם בכתב מפורש חרם מקצת רבנים על כל מי שמחזיק מנכסי כמ' אברהם ז"ל בכמ' אליעזר מקמירינו ישימו אותם בכנסת בולונייא (?) יגלה אותם אל כמ' שלמה מפונציפונצי או אל

חיי עולם", ששמואל נפטר זמן קצר לאחר שלף פאדובה שמשנת רס"ט. אם באמת יוצא מתוך לשונו של ר' יחיאל נסים, שאביו מת בתוך שנת השלף, לא יאוחר מינוי שנת ר"ע, כמו שסובר קאסוטו, אין בידי כעת להכריע, כי לא יכולתי להשיג את הנספח העברי למאמרו; דעתי היתה נוטה לאחר את זמן מותו של שמואל מפיהם לשנת רע"א.

יותר קשה הוא לקבוע שנת לידתו של ר' יחיאל נסים. קאסוטו<sup>12</sup> אמנם מקבל בלי שום הסוס את עדותו של יחיאל נסים בעצמו מפי קופמן, והוא שהיה בן ג' שנים כשנפטר אביו, ויוצא לו שיחיאל נסים נולד בשנת רס"ז. אולם נתקלים אנו בקשיים שונים, שקאסוטו לא נתן דעתו עליהם. קופמן בהקדמתו למנחת קנאות הנ"ל מביא שאלה א' של ר' משה הכהן לאביו ר' אברהם הכהן מבולונייה משנת רפ"ה. בתוכה מוכיר ר' משה הכהן מאורע, שאירע פעם א' בפירינצא בזמן שבעלי חנות היו דרים יחד בבית א', ואז אני שמעתי מפי המרום כמה ר' יחיאל נסים יצו". לדעתו של קאסוטו היה יחיאל בשנת רפ"ה צעיר בן י"ח שנה לכל היותר, וכשאירע המעשה בפירינצא היה איפוא כמעט נער, וכיום התוארים, המרום כמה ר' הולמים צעיר שכזה? וגם כל מה שכותב דוד ראובני בסיפורו על יחיאל מפסא וביתו (אנו עומדים בשנת רפ"ד), שקופמן וקאסוטו אינם מהססים לזהות עם יחיאל נסים שלנו<sup>13</sup>, אינו הולם כלל וכלל צעיר בגיל של י"ז שנה. ולפיכך חושש אני לשגיאה בדברי יחיאל נסים בהקדמתו למנחת קנאות, ומשער שצריך להיות: "ואני בן שלש [עשרה] שנים, והמלה, עשרה" נפלה<sup>14</sup>.

החדשות שאנו למדים מתוך תעודתנו הן, ששניהם, האב והבן, עשו זמן מה בבולונייה והדבר הזה חשוב ביחוד בשביל תולדותיו של יחיאל נסים. קופמן אמנם ידע, כי יחיאל נסים היה, מודע ורע לגור החכמים ופאר הרבנים<sup>15</sup> (=ר' אברהם הכהן), אבל לא עתה על דעתו המחשבה, שגרל בבולונייה ונתחנך בחוגו של הרב הספרדי הזה. השפעתו של החוג הספרדי על חנוכו של יחיאל נסים ניכר מחיבתו להמעתיקים הספרדים והוא בעצמו רכש לעצמו את הכתיב הספרדי בנערותו. וגם בחיבתו לכתב י' רש"ד אפשר לראות השפעתה של בולונייה, המרכז למעריצי י' רש"ד.

12 במאמרו, מילואים למשפחת מפסא' עמ' 4-5, ובספרו הנו' עמ' 352, הע' 1.

13 דוד ראובני כותב עליו, אחיו השני של דניאל מפסא, וקופמן בהקדמתו לספר מנחת קנאות מעיר על זה, שהאיטלקים קורים לבן דוד, אח שני. אמנם נכון הדבר אבל מסופקני אם דוד ראובני כותב בסגנון איטלקי. ואולי יותר טוב להבין את הדברים כמשמעם: אח שני במובן של שני לו בגיל ובחשיבות, ובפרט שאנו יודעים, שהיה לו לדניאל אח בשם יחיאל, שותף בענייני הבנק בפירינצ' (עי' תעודה כ"ד בספרו של קאסוטו, עמ' 383).

14 על פי זה נולד איפוא בשנת רנ"ז, ואנו מתקרבים להשערות של קופמן בהקדמתו למנחת קנאות, שיחיאל נסים נולד בין שנת ר"ן-ר"ס.

15 עי' קופמן בהשקפה הצרפתית כרך כ"ו; קאסוטו בספרו עמ' 352 ובמילואים למשפחת

4. בנימין מספורנו. על הסתעפותה של משפחת מספורנו בבבלוניה דברנו למעלה במבוא. ר' אברהם הכהן מכתירו בתואר „המפואר“, ומיחס לו בשנת רע"ב התפקיד להמציא טופס התקנה, שנעשתה לזכותו של היתום מבית פיסא, להרבנים מלמרקא ולאסוף את הסכמתם וחתמתם. קרוב לשער, שר' בנימין מספורנו היה משרת-מלמד בביתם של בני פיסא. וכדאי להעיר, שעוד בשנת 1496 ממנים האחים יצחק ושמואל מפיסא למורשה שלהם בבבלוניה איזה אברהם בן ראובן מספורנו.<sup>9</sup> ואולי ר' בנימין דנן הוא בנו או קרובו של אברהם המורשה. אברהם בן ראובן הוא, כנראה, בנו של ראובן בן שלמה מספורנו הסרסר, המתווכך בין פינצי ושמואל מפיסא (פסקים-מארכס, עמ' 4, הע' 13).

5. יצחק שמואל זנויל אשכנזי. התוארים „הישיש הרב המופלא כמהרר“ שמחלק לו ר' אברהם הכהן, שאינו רגיל בריבוי תוארים, מורים שהיה רב חשוב וידוע בזמנו, ואין בידי לזהותו בבירור. אולם בדרך השערה אפשר לומר, שזה „מהרר“ זעויל-שמונה ר' אליה קפשאליטין בין הרבנים שהיו בישיבתו של מהר"י מינץ. קפשאלי כתב עליו: „זה היה מהחריפים ומהמפורסים ובקי מאד בפוסקים ובפרט בארבעה טורים“. לא נכונה הערתו של אסף, שזעויל הוא קיצור מובולן, כי השם זעויל-זאנויל במאה הט"ו באיטליה הוא כמעט תמיד כינוי לשמואל ורק לעתים רחוקות הוא כינוי לשם אחר. טעם הכינוי נולד מתוך הכתיב הלועזי של שמואל Samuel שמתחלף אצל האשכנזים בזאנויל Sanwel.

6. שלמה מפוצופונצו (da Poggibonsi) ובנו אליאב. משער אני, שגם אבי שלמה היה שמו אליאב, אף על פי שהוא מכונה בתעודות לועזיות בשם „אליה“, כי רגילים היו להשתמש בלועזית בשם „אליה“ גם במקום שמות עבריים אחרים דומים בצלצולים ל„אליה“, כשם שהשתמשו בשם „שמעון“ גם במקום שמואל או שמריה. על ר' שלמה מפוצופונצו הרבה לכתוב קאסוטו.<sup>10</sup> על אשתו פיורניה, עי' למעלה „אברהם בן ציון מקמירינו“.

7. שמואל מפיסא ובנו היתום (יחיאל נסים מפיסא). עליהם הרבו לכתוב דוד קופמן ב„השקפה הצרפתית“ כרך כ"ו (1893), עמ' 83 וכו', ובהקדמתו לס' „מנחת קנאות“ לר' יחיאל נסים, ברצין תרנ"ה; והוסיף על דבריו קאסוטו במאמרו „על משפחת מפיסא“ ובספרו על יהודי פירנצי במקומות שונים; וביחוד עמ' 351–357. מתוך תעודתנו שמתחילת שנת רע"ב יוצא, ששמואל מפיסא מת זמן קצר לפני זה, וזה מתאים למה שקבע קאסוטו על יסוד דברי יחיאל נסים בהקדמתו לספרו

<sup>9</sup> קאסוטו בספר הנ"ל עמ' 154, הע' 9, וביתר ביאור במאמרו על משפחת מפיסא.

<sup>10</sup> מתוך הקטעים מספרו „דברי הימים“ שפירסם פורגס ב„השקפה הצרפתית“, כרך ע"ט. אחרים מן הקטעים האלה נדפסו מחדש ע"י אסף ב„מקורות לתולדות החינוך“, ח"ב, עמ' ק"ה, ומשם אני מצטט.

<sup>11</sup> במקומות הרבה מספרו הנז', וביחוד עמ' 333–340 על הכתיב העברי של השם עי' שם עמ' 336, הע' 1.

שלו. ורמז לדבר, שכן הוא כותב שפנה לר' אלחנן מפאנו, בעל דינו של ר' שלמה מפונציפונצי, וגם מוסר ידיעות על חלקו של המנוח ר' אליעזר שבתי בחנות פיסה אשר בפירנצי.

2. אלחנן מקאשי' אצל טרבוט – אניילו אצל ר' אברהם הכהן, זה מאשר את השערותנו במבוא, שלא חמד „אניילו“ בלועזית מקביל ל„מרדכי“ בעברית, כמו שסובר קאסוטו, כי בזמן שאנו עומדים בו מקביל הוא ברובו המכריע לאלחנן. קשה לזהות את שם המשפחה, ורק בדרך השערה, שהוא הוא „אניילו מקאשטילו“ (Angelo da Castello) הנזכר בין הבנקירים שבפירנצי בתעודה אחת משנת 1506<sup>6</sup>, וכנראה היה מנהיג בחנות ההלוואה של קמירינו. וקרוב לשער, שהוא „אניילו הגובר“ (Angelus Casserius dicti banci) בחנות ההלוואה של מנחם קמירינו הנזכר בתעודה אחת משנת 1489<sup>7</sup>.

3. אליעזר בן צור. את חתימתו המלאה אנו מוצאים בקובץ תשובותיו של טרבוט סי' קט"ו-ק"ו: „אליעזר בכמ' שלמה אבן צור ז"ל מרביץ תורה בריקנאטי“; החתימה היא משנת רע"ב. הוא ואביו מכונים בשם „הספרדי“, ונמנים על הרבנים-המלמדים הנודדים בלמרקא' (אנקונה, פיסארו, ריקנאטי, מאציראטה וכו'). בתשובה שזכרנו מגין ר' אליעזר נ' צור על קהילות למרקא', ואומר: „ומה שחושדים ליהודים מלמרקא' ה' ימחול להם על הדבר הזה, כי אין להם לחשדם, מפני כי כולם מחזיקים בבתיהם בעלי תורה ותלמידי חכמים הדורשים (?) להם בבתי כנסיות ובתי מדרשות, והם אוהבי התורה ולומדיה“. מכאן אנו רואים איך רבו אז הרבנים הנודדים בלמרקא'. ר' שלמה עתיה בהקדמת פירושו לתהלים, ויניציאה ש"ט, מונה בין רבני אנקונה שהיו בדורו: „והחכם ר' שמואל בן צור חריף ובקי בכל חכמה“. לקאסוטו נתחלף שלמה בשמואל, ועל כן הוא כותב שאביו של ר' אליעזר נזכר בהקדמתו של עתיה, ולא הרגיש שזה מן הנמנע, שכן ר' שלמה אביו של ר' אליעזר נפטר לפני שנת רע"ב כמו שיוצא מחתימת אליעזר בנו הנ"ל. ואליעזר בנו ג"כ נפטר לפני שנת ש', שכן ר' יוחנן טרווש בפירושו למחזור מנהג רומא, ב„קמחא ראבישונא“, שנדפס בבולוניה בשנת ש' כותב: „אשר הפירוש הנכון בו הוא מה ששמעתי מפי הגאון מהר"ר אליעזר נ' צור זלה"ה (מחזור, ח"ב, קונט' ח', דף א, ע"ב).“

5 בתשובתו מעיר ר' אברהם הכהן, שאלחנאניילו בא עם רשיון (פטינטי) מאת השלטונות להכריז החרם; וקרוב לודאי שר"א הכהן רצה לקרא אותו בשם שנקרא בהפטינט שלו.  
 6 תעודה שנתפרסמה על ידי קאסוטו במאמרו „מילואים למשפחת מפסא“ (Cassuto U.)  
 7 Ancora Sulla famiglia da Pisa, 1915 עמ' 5.  
 7 ציארדיני בספרו הנ"ל, תעודה כ"ט.  
 8 בספרו היהודים בפירנצי, עמ' 358, הע' 7.

בדין תורה עם אנשים מרובי ההשפעה מחוצה לה. אולם יש גם הברדל ניכר ביניהם: בשנת רע"א הירוש הוא הנתבע; הוא הגר בבולונוי, ולטובתו נתקנה התקנה. בשנת רפ"א הירושים הם התובעים וגרים מחוץ לבולונוי; התקנה חשמש איפוא לטובת מתנגדי הירושים, הנתבעים, שבבולונוי. והוה שורש המחלוקת שבין טרבוט וכהן. טרבוט רואה בגורם של התקנה גם הגבלתה; אין לך אלא מעין הגורם, ז"א לטובת הירוש שלא יזמינו אותו לדין חוץ לבולונוי, ואין להשתמש בה בגרון של רפ"א לחובת הירושים, וגם אין כאן עניין של הזמנה לדין חוץ לבולונוי. ואילו ר' אברהם הכהן, בהתאם להלך מחשבתו הדידוקטיבית שקבענו למעלה, מסיח את דעתו מן הגורם הפרטי ומביט על התקנה מנקודת הראות יותר כללית, והיא עצמאותה של הקהילה וסמכותם של באי כחה, הרב והפרנסים, ולפיכך מן הדין שתהיה לה תוקף גם במקרה שלנו.

## האנשים המסובכים במחלוקת טרבוט-כהן והנוכחים בתשובותיהם

1. אברהם בן ציון מקמירינו (da Camerino) ואביו אליעזר שבתי. על משפחת קאמירינו הרבה קאסוטו לכתוב במקומות שונים בספרו על יהודי פירנצ'י, וגם שרטט שלשלת היוחסין שלה, הצריכה תיקון על יסוד תעודתנו. בשלשלת היוחסין של קאסוטו נפקד מקומו של אברהם בן ציון, ואביו אליעזר שבתי הוא מן הדור השביעי ותופס את המספר י"ט. ואילו פיורניה אשת ר' שלמה מפונציפונצי נמנית על הדור הששי ותופסת את המספר ט', דבר המוכחש ע"י עדותו של טרבוט, שפיורניה היתה אחותו של אברהם בן ציון, בנו של ר' אליעזר שבתי. לדעתי, ר' אליעזר שבתי בר' שלמה, שמונה קאסוטו במספר י"ט בכלל אינו במציאות, כי אליעזר שבתי שנוכר במכתבו של ר' שלמה ממונטאלצינו, המקור היחידי של קאסוטו, אינו אלא, אליעזר בן אברהם" הידוע לנו מתעודות ארכיוניות שונות, ואשר קאסוטו קובע את מקומו בדור הששי בצידה של פיורניה. שמו העיקרי היה בודאי אליעזר ורק משום שנוצד בשבת הוסיפו לו השם "שבתי" כמנהג האיטלקים, ובתעודות נוצריות נזכר רק בשמו העיקרי. על ידי זה העלינו את ר' אליעזר שבתי דור אחד למעלה וקירבנו אותו לפיורניה אשת ר' שלמה מפונציפונצי. ועדיין אין ההתאמה שלימה כי לפי קאסוטו היתה פיורניה בת אברהם ולפי טרבוט היתה אחות אברהם שלנו, ז"א בתו של ר' אליעזר שבתי, ואין בידינו להכריע אם בהתעודה שסומך עליה קאסוטו יש דילוג וצ"ל: פיורניה בת/ אליעזר בת/ אברהם, או שהמלה "אחיה" אצל טרבוט מוסבת על ר' אליעזר שבתי ולא על אברהם בן ציון בנו.

אוב, משער אני, שמכתבו של מונטאלצינו שנרפס על ידי קאסוטו בנספחותיו, תעודה 51, מכון הוא לר' שלמה מפונציפונצי, שביקש ממנו שיתעניין בעניין הנחלה

2 ע"י ביחוד עמ' 260–262.

3 נרפס בספרו של קאסוטו, תעודה 51, עמ' 407–408.

4 גם ר' יחיאל טראבטו כותב פעם א' אברהם בכמ' אליעזר' לבד (תעודה ב).



מתאשרת כמו כן השערותנו, שעיקר מטרתה של התקנה היתה לנעול דלת בפני הזמנות לבני בולוניא להופיע לדין לפני ב"ד שמחוץ לבולוניא, באופן שטענתם של המערערים המתונים, או המפרשים בלשוננו של ר' אברהם הכהן, שהתקנה מכוננת רק נגד גורת חרם המזמינה אנשי בולוניא לדין חוץ לעירם, יש לה יסוד במציאות, אף על פי שאין זכר לדבר בלשון התקנה.

ואף גם זאת, בדבריו של ר' אברהם הכהן: „והיה אז ג"כ מי שמנהגו לדלג על ראשי על קדש וממם לכתוב אלה על ככה“, יש למצוא רמז גם להגורם התרבותי שמנינו למעלה, והיא התרופפות רגש המשמעת בחוגים של רבנים ידועים, ונטייתם לבלי להכיר את סמכותם של הרבנים „מארי דאתרא“.

מתוך תשובות טרבוט'כהן אנו למדים כמרכן, שגם גלגלי התקנה, המחלוקת על תוקפה והקיפה, מותנים על ידי אותן המסיבות בעצמן שהולידו את התקנה. כי הנידון שדנים בו טרבוט וכהן אינו אלא מעין מאורע רע' שחור ונשנה לאחר עשר שנים – תשובתו של ר' אברהם הכהן היא משנת רפ"א – , ועם השנות המאורע התעוררה מחדש גם שאלת תקפה של התקנה. והרי בקיצור הצעת המעשה: ר' אברהם בן ציון בר' אליעזר שבתי מקאמירינו, ענף מבית בנקירים מפורסמים בפירנצי, השתתף בממונו בחנות הלואה ובשאר עסקים בבולוניא. כשמת בלא בנים נפלה הירושה לאחותו פיורינה ולבעלה ר' שלמה מפונציפונצו, מלפנים שותף לחנות ההלוואה של משפחת קמירינו בפירנצי, ולאחר שהפסיד ממונו שימש בנקירים שונים ונמנה על הרבנים הנודדים שבאותו הזמן. הירשים באו בטענות ותביעות על אחדים מן הבנקירים שבבולוניא, אשר מורישם בעודו בחיים עמד עמהם בקשרי מסחר, וביניהם גם ר' אלחנן מפאנו, מיוצאי פירנצי שקבעו מושבם בבולוניא, החתום על חידוש התקנה משנת רצ"ו. הסכסוך ארך שנים אחדות, ולבסוף פנו הירשים לרבני למרקא', „גורי גורות“, ור' יחיאל טרבוט בכללם, והשיגו מהם „פתקא דלטוטא“, וז"א חרם סתם נגד כל מי שמחזיק בידו מנכסי הנפטר או שיודע ביד מי הם ואינו מודיע הדבר להירשים. כשבאו ר' אליאב, בנו של ר' שלמה מפונציפונצי, ואלחנן מקאשי' שליחי הירשים, שאספו גורות וחרמים מאת רבנים שונים, להכריז את החרמים האלה בבית הכנסת שבבולוניא, גער בהם ר' אברהם הכהן בנויפה ושמם בחרם כי עברו על התקנה המטילה חרם על מי שיביא גורת חרם לבולוניא בלי רשות הרבנים והפרנסים. מעשה זה עורר התנגדות מצידו של ר' יחיאל טרבוט, ונתן מקום לחליפת מכתבים בין טרבוט ור' אברהם הכהן, המקבלת לפעמים צורה די חריפה.

האנלוגיה שבין המאורע שלנו וזה של שנת ר"ע בולטת לעין: כבשנת רע"א כך גם בשנת רפ"א יש לנו עניין עם אחד מחשובי בתי ההלוואה שבפירנצי אשר נופו נטה לבולוניא. בשני המקרים מותו של הבנקיר גורם לטענות ותביעות בין יורשיו והאנשים שעמדו בקשרי מסחר עם המוריש, באופן שבני בולוניא מסתבכים



לצאת בתשובה הגנה לזכותה. את התשובה הזאת חשבנו לנכון לפרסם בשלימותה, שכן תוך כדי מלחמת־מגן להתקנה ילדת רוחו, מוליך אותנו ר' אברהם הכהן למקורה, בהפיצו אור על הגורמים והמסיבות שהביאו אותו ובית דינו להכריז את התקנה בשנת רע"ב. מלבד זה יש בתשובה זו משום להטיל אור על כתב ההגנה המצורפת לחידוש התקנה משנת רצ"ז שבחוברת שלנו, ולזהות את מחברו בהתאם להשערתנו.

הגורם הבלתי אמצעי לקביעת התקנה, — כך מספר לנו ר' אברהם הכהן, — היה מוראו של בית הדין של בולוֹניא, כאביהם של יתומים, שלא יביאו גזירות וחרמים מרבני חוץ שהיו גסים ורגילים בכמו אלה, להכריח את היתום בנו של ר' שמואל מפיסא שנפטר לפני זמן מה, לצאת לדין חוץ לבולוֹניא. טופס התקנה, נשלח לכל הרבנים מגליץ למרקא' ובראשם ר' יחיאל טרבוט במציראטה, וזה בודא מפני שהרבנים מלמרקא' היו ידועים בתור „גורי גזירות“.

הסוד הזה שמגלה לנו ר' אברהם הכהן מאשר באופן בלתי צפוי אחדות מהשערותינו. מאשר הוא ההשערה ששיערנו, כי הרקע המדיני והכלכלי שעליו צמחה תקנתו הוא מעמד בעלי החנויות, הבנקאים, והסתעפות קשרי עסקיהם לרגל גידום ממדינה למדינה בכלל, וגידום של בעלי החנויות שמפיריניצי לבולוֹניא בתחילת המאה הט"ז בפרט. ולא עוד, אלא שהצעתו של ר' אברהם הכהן מוסיפה על דברינו, ומלמדת אותנו, שהגורם האחרון, הגירת בנקירי פיריניצי לבולוֹניא, שיחסנו לו פעולה מכרעת בתקופת חידוש התקנה בשנות רצ"ב–רצ"ו, היה מכריע כבר בעצם יסוד התקנה בשנת רע"ב. שכן הגורם להתקנה היה ר' שמואל מפיסא, אחד החשובים מבנקירי פיריניצי שבסוף המאה הט"ז; בשנת רס"ח בערך קבע את מושבו בבולוֹניא ונפטר שם בשנת ר"ע, ולטובת בנו היתום, ר' יחיאל נסים מפיסא, שלא יצטרך לצאת לדין עם שותפי אביו מלפנים, עמדו ותקנו את התקנה.

1 בנוגע לגירוש היהודים מפיריניצי נמשכתי אחרי דעתו של קאסוטו, אולם תוך כדי מחקרי נולדו בלבי פקפוקים אחדים מבלי שאוכל כעת לסלקם, ולברר את כל השאלה; חשבתי לחובה לי להציע את עיקר השאלה, ולהביע את ספקותי. בדצמבר 1495 מחליטה הריפובליקה החדשה, שעל היהודים לעזוב את פיריניצי לאחר שנה (ציארדיני, הבנקאים היהודים בפיריניצי, תעודה לה, — Ciardini M., I Banchieri Ebrei in Firenze, Poggio S. Lorenzo, 1907). אולם אם הוצאה לפועל הגזירה הזו, דבר זה שנוי במחלוקת. ציארדיני בספרו הנו', עמ' 102 סובר, שההסכם מנובמבר 1496 ביטל לגמרי את הגזירה ולא יצאה אל הפועל, ואילו קאסוטו סובר, שההסכם גרם רק לדחיית של הגזירה, ולא לביטולה, עד רס"ח בערך (ועי' בספרו היהודים בפיריניצי, עמ' 76, הע' 2; 80, הע' 2). עד לשנת רס"ח גם לדעתו של קאסוטו איפוא נשארו כל הבנקאים בפיריניצי. בינתיים פירסם לוינשטיין במאמרו הנו' על היהודים שנכנסו לבולוֹניא במאה הט"ז (עמ' 172, הע' 1–2) שתי תעודות, שמתוכן יוצא, שבשנת 1496 עזב שלמה פונציפונצי (שותפו של קמרני בבנק שבפיריניצי) את פיריניצי וקבע מושבו בבולוֹניא, ובשנת 1497 עברו לבולוֹניא גם האחים יצחק ושמעון (=שמואל) מפיסא. מזה נראה, שבחלק פעלה הגזירה קודם לשנת רס"ח, וצריך לבחון מחדש את כל השאלה.

ביד מי הם או שמע או ידע מה נעשה מהם או מקצתם ומה שמץ דבר נשמע לו מהם שתוך שלשה ימים אחרי הודע לו הטלת החרם הזה אם האיש ההוא או האשה ההיא בבולוניא שיעלה ויגיד אל הגאונים הרבנים הנ"ל ואל הפרנסים הנ"ל באופן יבוא הדבר לידי גילוי להאחים הנ"ל. ואם הוא חוץ מבולוניא... שילך לבולוניא להגיד אל האנשים הנ"ל היינו הרבנים והפרנסים הנ"ל להוצאת האחים הנ"ל... באופן יבואו האחים החשובים בני ריאטי לידי גילוי וידיעה מהמכתבים ההם... והאיש או האשה אשר יעשה בודון לבטלי שמוע אל גורתי זאת יהיה בגדוי וחרם ושמטא ויבש קללה כמדו<sup>24</sup>, ובחבלי חטאתו יתמוך ויאכל שיתו ושרידו<sup>25</sup>, כמשפט מוחרם בחי ה' ומתעתעים בדברו, ואל מצינים יקחו<sup>26</sup> גאווה ודרור, ושאף צמים חילו<sup>26</sup> שורו וחמורו, והיה למשל ולשניה<sup>27</sup> בתוך עמו ושאר, עד כי ישוב אל ה' ויסיר מעליו אפו ורפא ירפאנו מבשתו וצער, ואם בקולי ישמע לגלות און האנשי הנ"ל מאשר ראה או ידע... באופן יבואו האחים לידי גילוי מהמכתבים הנ"ל ברך אברכו מאד יצו ה' אתו את ברכתו, ועשה קציר כמו נטע<sup>28</sup> לעת זקנתו ושיבתו, ואבני נזר יהיו מתנוססות על ערסתו<sup>29</sup>, וחיים ושלום יוסיפו לו כל ימי חייתו, וצאצאיו לעיניו יפרחו כנפן<sup>30</sup> ויתענגו ברוב טובתו, בבנים ובני בנים וצאצאיהם אתו<sup>31</sup>, זכרם יהיה כיין לבנון<sup>32</sup> וכל ישראל יהיו בכלל הברכה כשמע לעדתו, נאם המקנא לכבוד ה' ולחורתו, עזריאל דייאנה זי"א בכ"מ שלמה זלה"ה, לא אטה ימין ושמאל בצר<sup>33</sup> לי אקרא ה'."

## D

## מילואים

לאחר גמר המאמר הגיע לדינו קובץ תשובותיו של ר' יחיאל טרבוט חוקן בכת"י ומצאנו שם שתי תשובות מפורטות המתייחסות לתקנת בולוניא; חמש מהן לר' יחיאל טרבוט ואחת לר' אברהם הכהן. מתשובותיו של טרבוט אנו מפרסמים כאן לשם הקיצור שתי פסקאות לבד, המוסרות לנו את ה"מעשה שהיה", אשר הביא לידי פריצת גדרה של תקנת בולוניא ושעורר את ר' אברהם הכהן בפעם הראשונה

24 תהלים ק"ט, יח.

25 עדה"כ משלי ה', כב; ישעיה י', יז ושררו במקום, ושמירו' לשם החרו עם, כמדו'.

ואולי צ"ל, ושמירו' ויחרו לאחריו עם, בדברו'.

26 איוב ה', ה.

27 דברים כ"ח, לו.

28 איוב י"ד, ט.

29 זכריה ט', טז (ואולי צ"ל, אדמתו' ככפסוק).

30 איוב כ"א, ח; הושע י"ד, כ.

31 ישעיה ס"ה, כג.

32 הושע י"ד, ח; ז', יב.

33 = שנת רצ"ב.

ישראל בדרך זבל<sup>19</sup> וזבל<sup>20</sup> ושפטו בין האחים הנ"ל על כל דברי ריבונם, ואם ישו דעתם<sup>21</sup> שני המבוררים אשר ישפטו ביניהם הנה מה טוב ומה נעים... ואם לא ישו דעתם... הנה הגאון כמה"ר אברהם הכהן זי"א יברר להם המבורר הג' יכריע ביניהם וישם משפט לקו וצדקה למשקולת... והיה האיש אשר יעשה בזדון לבבתי שמוע אל דברי ובשאת נפש יחל<sup>22</sup> ש"ש<sup>23</sup> ללכת בחוקות הגויים וידון דינו בעש"ג ויתלה עצמו בבוקי סרוקי ובאמתלאות מפניגים את טעמם, והיה לאלה בקרב עמו וכל מורשי לבבו מארץ החיים ימח שמם, והיה כערער בערבה ישכון חררים במדבר ומלאו ביתו אוחים ובאהלו אל יהי יושב וטירתו השלו יהיה שמם. ושומע לי ישכון בטח כולו שלו ושלאנו, והיה עלהו רענן, ירד עליו ועל בתהו כמטר על גז שלומם ולא ידאגו ולא ימישו מעשות פרי למעלה ולמטה יכחד קימם וכל ישראל יהיו בכלל ברכתם וילכו יונקותם ויהי כזית הודם ויברך את לחמם ואת מימם.

נאם היושב יחל ודומם, הטרוד עזריאל דיינא זי"א בכמה' שלמה זלה"ה, פרשת ושמחת את דברי אלה על לבבכם, שנת כי אלהי אבי בעזרי (רפ"ט) ויצילני וגו'."

קפ"ח. ... לכן כיום אשר שמעה אזני ותבן לה כי גדלה צעקת האבירים הנב<sup>21a</sup> האחים כמ"ר ישמעאל וכמ"ר יואב אנשי ריאטי על דבר האבדה נאבדה להם בפיונרצה, אחרי סרה מעליהם אנשי המלחמה ומחוץ לא תשכל עוד חרב ומחדדים לא היה להם עוד אימה<sup>22</sup>, יבקשו המכתבים והסקריטורי<sup>23</sup> שלהם אשר בהם צורך גדול ובחסרנים ובהעלמתם יסתבב ח"ו להם אבוד ממון רב וסכנת נפשות, והנה מצאו כי חסרים אליהם מכתבים עיקריים גדולים ואם לא ימצאום יהיה להם נזק גדול ובאים לידי סכנה ח"ו. ולכן שאלו מכל תופשי תורה ועומדים על מדין, שיהיו להם מעיר לעזור להטיל חרם בבתי כנסיות הקרובות והרחוקות שכל מי שיש בידו אלה המכתבים והסקריטורי... או ידע אנה הם וביד מי הם או שמע מפי שומע ביד מי המה... שהאיש ההוא או האשה ההיא יעלה ויגיע אל הגאונים הרבנים מבולגוניא ה"ה הר"ר אברהם הכהן ומהר"ר עובדיה מספורנו ומהר"ר יעקב קורניאלדו זי"א ואל הפרנסים והממונים לצרכי ק"ק בולגוניא תוך שלשה ימים אחרי ישמע ההכרזה מהאבדה הנ"ל אם הוא בבולגוניא... קמתי ואתעורר ובשם אלקי השמים ואלקי הארץ הנני מטיל חרם גמור על כל איש ואשה משפחה או שבט מזרע יעקב אשר בידו הסקריטורי ההם כולם או מקצתם או ידע אנה הם או

19=לה בורר לו אחד זה בורר לו אחד.

20 =יסכמו, ועי' הערתנו 96 למעלה.

21 =שם שמם.

21a =הנבונים.

22 באוגוסט שנת ר"ץ נלכדה פירינצי ע"י צבאות קארלו החמישי, והושם קץ למלחמה

מבחוץ; לאט לאט שככה גם המלחמה מבפנים, ואליסנדרו מבית מדיני נתעלה לדוכוס מפירינצי בשנת רצ"ב, ואז גם התחילו היהודים לשוב לפירינצי (עי' קאסוטו בספרו הנו', עמ' 87).

23 Scrittura=כתבים=שטרות ופנקסים.

השתקע, לדעתו, בסיני. והוא הדין לגבי משפחת מפיסא: עיקרה נוטה לרומה, ורק נוף אחד ממנה נוטה לבולוניה. לפי זה תראה הנחתנו, שבנקירי פירינצי בקשו מפלט בבולוניה, כמוגומת. אולם תעודותינו שלנו מוכחות, שלא לבד איזה ענף ממשפחת ריאטי, כי אם האחים יואב וישמעאל עצמם, הבנקירים הראשיים, נמצאו בבולוניה בשנת רצ"ב. ובנוגע למשפחות מפאנו מוצאים אנו את אלחנן בר' אברהם חתום על חידוש התקנה משנת רצ"ו בבולוניה. אשר לשני האחים יצחק ויעקב, הרי מעיד דינא על יעקב שהיה תושב בולוניה; וגם אחיו יצחק, שגר בפירארה, נראה שמקודם בא אף הוא לבולוניה, אלא שאח"כ נפרד מאחיו לרגלי מריבה שפרצה ביניהם. יוצא אפוא, כי מארבע המשפחות בעלי ההנויות שבפירינצי – שלש מהן נפלטו לבולוניה, ורק משפחת ר' דניאל מפיסא, שבה לרומה, במקום שנמצאה עוד בשנת רפ"ד. עד כאן בכמות. ובאיכות – עלינו לזכור, שכוכבה של משפחת מפיסא התחיל כבר אז שוקע ולא היו ימים מרובים והמשפחה הגיעה לידי משבר<sup>15</sup>, בעוד שבני פאנו ובני ריאטי נמצאו אז בעצם פריחתם וגדולתם והחזיקו מעמד כמעט עד סוף המאה הט"ז<sup>16</sup>.

#### והנה עצם התעודות:

ר"ט. איש היה בארץ בולוניה וכמ"ר יעקב ז"ל שמו ולו שני אחים הא' שמו כמ"ר יצחק מפאנו תושב פירארה, והוא אחיו מאב ומאם, והשני שמו כמ"ר יחיאל מפאנו יו"א תושב בולוניה והוא אחיו מאב ולא מאם. והיה האיש כמ"ר יעקב זקן ושבוע ימים ויקרבו ימיו למות, ובהיותו בריא וטוב לא חלי ולא מרגיש עשה שטר צואה ע"י סופר גוי כמשפט הגויים וכחוקותיהם איך היה מוריש כל נכסיו לאחיו כמ"ר יחיאל הנ"ל מלבד חמשה ל"ט בולוניה היה מוריש לאחיו כמ"ר יצחק הנ"ל. ואחר איזה חדשים נפטר כמ"ר יעקב הנ"ל וחיים לרבנן ולכל ישראל שבק. ואחרי מותו הלך כמ"ר יחיאל הנ"ל בעש"ג<sup>17</sup> ובכח ידן ומכח הצואה הנעשית ע"י סופר גוי הושם בחוקת הנכסים הנמצאים מכמ"ר יעקב ז"ל אחיו ואת כל אשר לו לקח, וכן הוגד לי. ואחרי שמעו כמ"ר יצחק אחיו הנ"ל את כל אשר נעשה וכי יצא נקי מנכסי אחיו כמ"ר יעקב ז"ל חרה אפו באחיו כמ"ר יחיאל הנ"ל כי גרשו מהסתפח בנחלת אחיו כמ"ר יעקב ז"ל ויתן לו חרס להתגרד בו ה' ל"ט בולוניה וכדי בזיון וקצף<sup>18</sup>, ושלח בחמת רוחו בבולוניה אל שופטי הגויים הרודים בעם כי יכריחו מר יחיאל אחיו לעמוד עמו בדין ע"י מבוררי ישראל... הנני גוזר בגזרת נח"ש אשר אין לו לחש על כמ"ר יצחק וכמ"ר יחיאל האחים הנ"ל שלא יסיפו לטעון טענותיהם על הירושה הנ"ל בעש"ג<sup>17</sup> רק ירדו לדון לפני מבוררי

15 השווה קאסוטו במאמרו. על משפחת מפיסא' ובספרו היהודים בפירינצי עמ' 156,

351.

16 על משפחת ריאטי ע"י מרגליות בהשקפה האיטלקית (Rivista Israelitica) משנת 1906 וקאסוטו בספרו הנז' בהרבה מקומות.

17 = בערכאות של גוים.

18 ערה"כ איוב ב', ה; אסתר א', יח.

בפני הבדיקה הנכונה, עשה את דאייתה לרב רציונאליסטן שנלחם בהיות הקבלה של ראובני ומולכו, לא הועילו כל הספקות שעוררנו על ההנחה הזאת במקום אחר<sup>13</sup>, והמטבע שטבע קופמן עוברת מחוקר לחוקר עד היום. והנה בתשובה שלפנינו נמצאה פיסקה, המראה לנו את דאייתה בצורה אחרת לגמרי. בהגדרתו את המונח גזרה הוא אומר: „לשון גזרה יוכל להיות בא' מד' דברים... הג' בגזרת שמות הקודש אשר שם ה' שמות בארץ והיודעם הוא מכון בהם למקום מוצאם באותיותם ובנקודותם ובזמנם ובמועדם היה יכול לגזור גזרה ולהוציא פעולות חדשות בארץ כמו שאמרין מפני מה אין ישראל נענין מפני שאינם יודעים לכוון בשם הא אם היו מכוונים בשם היו נענין ומשיגים מאלקי ית' את בקשתם...". האין בזה משום הסכמה לדרכנו של מולכו להביא את הגאולה בשמות? ואם לא הצליח, אולי מפני שהשתמש בהם שלא „בזמנם“ ושל „במועדם“. עכ"פ ודאי הוא, שרחוקים<sup>14</sup> אנו מרציונאליסטן הנלחם בהיות הקבלה. גם בתשובות אחרות מראה דאייתה חבה יתרה להקבלה ואמונה בלי גבול בכחה. בשנת רפ"ט, בעצם זמן פעולתם של ראובני ומולכו, הוא כותב: „המקובלים דברו בפנימיות האלקות סודות אלקיי' בהם הושחת האמת ולא נופל מכל דבריהם צרור ארצה לכל מבין יסודם... וה' יראנו מתורתו נפלאות ובמפלאות תמים דעים יהין עינינו רואות, ויזכנו לאותות ולמופתים לעת פדות באות ולשנים קדמוניות, וערבה מנחת יהודה ועולות מחים טובות ובריות, וכי'ר אמן. נאם עמוס תלמות, עזריאל דאייתה זי"א, ט' פברואר טר"ף נתן ליראיו“.

## נספח ב' – הבנקירים שמפירינצי מבקשים להם מפלט בבולוניא, בשנת רפ"ז

העובדה, כי אחדים ממשפחות הבנקירים שגורשו מפירינצי בשנת רפ"ז עם גירוש בית מדיצי קבעו את מושבם בבולוניא – הראה עליה קאסוטו בספרו על היהודים בפירינצי<sup>14</sup>, אבל מתוך הרצאתו יוצא, שראשי המשפחות עברו לרומה ולסיניה, ורק ענפים טפלים מגועס קבעו ישיבתם בבולוניא. אולם מתוך תעודתנו שלנו ומתוך התעודות המתפרסמות בנספח זה יוצא ברור, כי ראשי הבנקירים עצמם עברו ברובם המכריע, בכמות ובאיכות, לבולוניא. מתוך תעודות ארכיוניות יודעים אנו, שבשנת 1514 הוזמנו בפירינצי לנהל משא ומתן בענין זכות ההלוואה וזכות הישיבה הכרוכה בה – המשפחות הבאות:

אלחנן בכ"מ אברהם מפאנו<sup>14a</sup>

האחים יצחק ויעקב בכ"מ מנחם מפאנו

האחים ישמעאל ויואב בכ"מ משה מריאטי

האחים דניאל ויחיאל בני יצחק מפסא

הרב יעקב בן מנחם מפראטו

אברהם בן יואב מס' מיניאטו

והנה אם נוציא את שני האחרונים, שנצטרפו למו"מ בתור „מנהיגים“ ולא כבעלים, נמצא שהמו"מ התנהל עם ארבע המשפחות הראשונות. על שתי המשפחות מפאנו אין קאסוטו מעיר, לאן פנו לאחר הגירוש. אשר למשפחת ריאטי יודע הוא אמנם, שנמצא בבולוניא איזה סניף קטן ממנה, בעוד שראש המשפחה, ישמעאל,

13 ע'י מאמרי בירחון הגרמני לשנת 1931, עמ' 137 והילך.

14 עמ' 86.

14a על ההקבלה שבין „אלחנן“ ו„אניאל“ עי' הע' 7 לפ' ג.

אמר בפ' כל היד<sup>8</sup> מוטב שיציא לעז על בניו שהם ממזרים ואל יעשה עצמו רשע שעה אחת לפני המקום, וכן עוד שם מוטב תיבקע כריסו ואל ירד לבאר שחת וכו'. ואחרי כי ראיתי כי לשכים היו דברי בעיני כ"ת ולצנינים בצדי קצת מגדולי הארץ ופרנסיה ובראשם הנשא אהובי כמ"ר חננאל מספורנו זי"א<sup>9</sup>. . . . ועתה כי יאמר כ"ת כי עברתי על שנים אלה המה עברו במשכיות לבבי ואותותם לא אנכר, כי אהבתי צדק ואשנא רשע, הנני מבטל מעיקרו החרם אשר כתבתי על כמ"ר דוד מספורנו ובנו כמ"ר מנחם יצ"ו כאילו לא כתבתיו מעולם וגם על כל המסיעים אותם בדבור או במעשה הנני מבטל מעליהם את כל גורתי אשר גורתי עליהם והבאתי עליהם ברכה ולא קללה. ואחם הרי ישראל הנצבים לדין עמים שיתו לבבכם לריב זה והרימו מכשול מדרך עמיכם להכריח כמ"ר דוד ובנו יבררו להם מבוררים עם הנעלה כמ"ר יעקב מספורנו זי"א<sup>10</sup> על כל דבר ריביותו ולא יוסיפו עוד לחטוא ללכת בעש"ג. ואף כי ידעתי כי אין צורך להזהיר הנהגים וגדול קטנכם ממתני, זה יהיה לבד לזכרון ליראי ה' ולחושבי שמו כי כל מעשיכם לשם שמים, ואנכי כאשר חפצתם חפצתי, ועד אנוע לא אסיר תומתי ממני, וכאשר הייתי אהיה נכון לכל חפציכם חפצי שמים. ובאהבתכם אדלג שור ואשא כפי אל אלקי קדוש יסיר לב האבן מהולך בדרך עקש ורואה תום ישמור ישר, וחלו פני כ"ת רבים וחיים ושלום יוסיפו לכם<sup>11</sup>.

קס"ח. . . . על אודות התקנה אשר נתקנה בקרב מועדיך ושמו אותותם אותות כי כל איש ואשה יגשו להקריב שום מכתב אשר בתוכו תהיה אלה או נחש<sup>12</sup> משום בית דין מחוץ לקרית בולוניה נגד שום אחד מהקריה בולוניה ואפי' גזרה בע"פ בלתי רשות הרבנים משמה בולוניה ופרנסיה יהיה בכלל ארור בו חרם בו נדוי בו קללה בו אלה. ועתה קם אחד מתוך העדה והוציא גזרה מחוץ לעיר בלתי רשות הרבנים משמה ופרנסיה ושלחה לאיש אחד משרי הנצבים מקריאי העדה משמה בולוניה, והנה למראה עינים תשפוט כי האיש . . . מעל בה' וילבש קללה כמדו. . . . דעתו של דינא היא, שכיון שלא נזכר חרם בגזרה שהביא האלמוני מחוץ לבולוניה, אין תקנתו חלה עליו. וחותם: „אהבך הטרוד עזריאל דיינא כ"ה מרצו רצ"ד".

ולמטה הכתובת:

„אהובי כמ"ר מנחם מהטוב זי"א אורו יגיה בבולוניה".

ה ע ר : הכלל. שבשעת כיון דעל על רוח למאד בחקירותינו, וע"כ הבא לתקן. שבשעתא כזאת עליו לחזור על התיקון בכל הזדמנות. והזדמנות כזאת אני מוצא כאן בנוגע לתיקון קלסתר פניו של דאיינה. משעה שבא ר' דוד קופמן<sup>12</sup> ועל יסוד תעודה קלושה, שאינה עומדת

<sup>8</sup> נדה י"ד, ע"א.

<sup>9</sup> אחיו של ר' עובדיה מספורנו; עי' פוגלשטיין-ריגר, היהודים ברומה, ח"ב, עמ' 78.

<sup>10</sup> נפקדה שנת התשובה. מתוך התשובה הבאה אנו רואים, שבשנת רצ"ד דאיינה ידע את חקנת בולוניה; תשובתנו היא איפוא קודמת לשנת רצ"ד.

<sup>11</sup> נדוי חרם שמתא.

<sup>12</sup> קופמן דוד בהשקפה הצרפתית כרך ל', ל"א, ל"ח.



## C.

## נספח א' – הד קולה של תקנת רע"ב בשו"ת ר' עזריאל דאינה

ר"ב. גרסינן במס' עיריות: בשעת מיתתו א"ל בני חזור בך מד' דברים שהייתי אומר... אבל אתה שמעת מפי היחיד ומפי המרובים מוטב להניח דברי היחיד ולאחזו דברי המרובים וכו', וגם עתה אשר שמעתי מפי היחיד את תלונת הנעלה כמ' יעקב מספורנו זיי"א, כי כמ' דוד מספורנו ובנו העבירו עלינו את הדין להביאו בעש"ג בדר"ג יש להם יחדו ואנכי חזון הרביתי והעד העידותי בכמ"ר דוד ובנו שלא יוסיפו לחטוא, ולפי אשר הוגד לי לא האמינו אלי ולא שמעו בקולי וילכו במועצות ודעת בעש"ג, ותורה מונחת בקרן זוית, ולתת כבוד לאלהינו כתבתי עליהם מרורות<sup>1</sup> שיבדלו מתוך העדה אם לא ישובו מדרכם הרעה וגם קללתי אחרים אשר יעזרום ויתנו יד לפושעים בדבור או במעשה כי כן נראה בעיני להסיר מנו המעשה ולשים שלום בארץ. ועתה כי שמעתי מפי המרובים אוהבי רובי תורתנו כי שנים הנה קוראותי להכשיל ח"ו. האחת כי לא ידעתי בנפשי התקנה עצומה אשר תקנו שלומי אמוני בני ישראל פרנסי ק"ק בולווייא זיי"א בעצת הרבנים ותופשי התורה יושבי על מדין שיהיה מנוחה ומוחרם כל בר ישראל אשר יביא בקרית בולווייא שום גזרת רב או רבנים מחוץ לעיר ואפי' בע"פ בלי רשות כל פרנסי העיר והרבנים זיי"א, וא"כ איככה פציתי פה לשים מכשולות בין גדולים חקקי לב פרנסי בולווייא יחזק ה' במעוזם כי מקטנם ועד גדולם אהבתים עם כל ישראל חברים, ואקוה לעשות ענבים ואעש באושים ורחמנא ליצ'ן מהאי דעתא. השנית כי כפי אשר הוגד לי הייתם מסלקים עצמכם מהאי דינא אפס קצחו מצד קורבה<sup>2</sup> וקצתו מסבות אחרות, ולא האמנתי כי כ"ת הייתם חפצים ליטפל ברין עייסקא בישא, לכן הציקתני רוח בטני לגזור כמ' דוד ובנו יתנו לה' כבוד לקחת מבוררים שמה בולווייא כמשפטי בני ישראל ולא ימרו כבוד אלוקינו ותורתו הקדושה, ולא לגנוע ח"ו אפי' באצבע קטנה בכ"ת חלילה לאל מרשע, כדאמר ר"י בפ' כל כתבי<sup>3</sup> מימי לא עברתי על דעת חברי ואיככה אעשה הרעה הגדולה הזאת להסיג גבול עולים<sup>4</sup> וחטאתי לאלקים, כי באתרא דמרי ביתא תלא דיניה כולבא רעיא קולתי<sup>5</sup> תלא<sup>6</sup> כמוני היום. לכן אומר כמו שאמר עקיבא בן מהללאל מוטב לי להקרא שוטה כל ימי ולא לעשות שעה אחת רשע לפני המקום וכו'. וכן

1 פרק ה', משנה ז'. ועי' למעלה עמ' [מ'], הע' 130.

2 = בערכאות של גוים בדין ודברים.

3 בתשובה שלפני זו – סי' ר"א.

4 יש לשער שהכוונה לר' עובדיה מספורנו, ששמו מוכיח עליו שהיה קרוב לבעלי הדין, ממשפחת ספורנו אף הם.

5 שבת ק"ח, ע"ב.

6 מליצה מלא תשיג גבול עולם.

7 בבא מציעא פ"ד, ע"ב.



לדון נגד היתום מריבייה שלא ברני ישראל, עתה כל עצמנו אנחנו ח"מ מבטלי בטול גמור כל דברי הכתב מהגזרה הגו' ויהיה חשוב ככלי חרס הנשבר שאין בו ממש וכאלו לא היה ולא נברא ולא נכתב מעולם. וכך מה שאנו כותבי עתה בכתב זה הנה הוא נכתב בכל לבבנו ובכל נפשנו בלי שום פקפוק וערעור כלל ועיקר.

נאם הבא בחותם עי' בנו היום יום ד' ו' לחדש אב ש"ח לפ"ק הצעיר גם טרוד אברהם הכהן ישרו' בכמהר' משה הכהן זלה"ה  
העבד חכמים יצחק בכמר' יוסף ז"ל ממונציליצו מסכים אל כל הכתוב לעיל.

לראשי ק"ק פיררה ולמעלתם שלום רב מבולונייה

### התקנה ע"י מהרר' מאיר מפאדובה

להסיר מכשול מקרב עמנו קבלנו עלינו הח"מ בח"ח<sup>131a</sup> ששום א' מאתנו לא ישיב בכתב לשואל על דיני ממונות אפי' בלשון ראובן ושמעון כאשר ידע או ירגיש הנשאל שהשואל ידרוש בעבור ריב וקטטה מה שבין בעלי דינין. וכדי לקטע רגלי דרשיע' המערימים סוד ומסתירים עצה להכשיל המורים ומראים פנים כאלו באים לדרוש תורת אלקים למאור תורה היא וללמוד אני צריך כדי שהמורה לא יוכל להשאיר בר<sup>132</sup> וגו' ככן הנשאל לא ישיב בכתוב אם לא שיקבל עליו השואל תחלה בחרם שאמת הוא ששאלתו היא בעבור למוד תורה ולא בעבור שום ריב וקטטה בלי ערמה. אכן כאשר הדיינים הנבררים אי' <sup>133</sup> בעלי הדין' ידרשו איזה מורה יהודיעם דעתו או כאשר שתי הכתות יבקשו מאחד שיכתוב דעתו אף אם אינו דיין מבורר שלהם אז יוכל לכתוב ולגלות דעתו.

עוד קבלנו עלינו בחמר' הג"ל שמכאן והלאה לא נסמך גברא לא למהרר' ולא לחברות כי אם על ידי שלשה רבנן סמיכי למהרר' שיסכימו יחד לסמיכה ההיא, כההיא דתנן סמיכת זקנים בשלשה<sup>134</sup>, ובגמ' תנא סמיכ' וסמיכ' זקנים בג' מאי סמיכ' וסמיכ' זקנים א"ר יוחנן מסמך סבי; שסמיכה למהרר' יהיה דוקא על ידי ג' רבנן סמיכ' למהרר' שהם בג' עיירות, אכן סמיכה חברות אפי' ע"י ג' מעיר א'. וכך מי שיהיה נסמך מכאן והלאה אף מוזלתינו בכל ארץ איטליה באופן אחר לא נהג בו תורת רבנות ולא יהיה<sup>135</sup> במקומותינו לספר בשם הסמיכה ההיא.

<sup>131a</sup> = בחרם חמור.

<sup>132</sup> צ"ל, כנראה, להיות מונע בר, ומרמז על מאמר ר"ש חסידא, סנהדרין צ"א ע"ב, כל המונע הלכה מפי תלמיד אפי'... מקלדין אותו שנ' מונע בר יקבוהו לאמים.

<sup>133</sup> צ"ל: מן.

<sup>134</sup> סנהדרין, משנה א, נמרא דף יג, ע"ב.

<sup>135</sup> צ"ל: יקרא.

פיהם ולא יכשלו בלשונם ובמעשיהם לא הם ולא אחרים, וזאת היא תקנתו שלא יוכל שום איש מקהלנו זה לא קטן ולא גדול לעשות שום ב"ד לקבל שום עדות לא בכתב ולא על פה בחשאי ובסתר על שום אדם מבולונויאל ולא מחוץ לבולונויאל שיבא לעשות ב"ד לקבל עדות בבולונויאל אם לא בפני בעל דין חבירו, ושהיו הב"ד כולם למדנים ויהיו בני כ"ה שנים ויותר ולא יעות אדם בריבו, ובאופן זה נציל עשוק מיד עושקו ולא יהיה ביד עושקיהם כח לזכור אותם ברשת זו טמנו כאשר נעשה עד היום הזה. והאיש אשר לא ישמע אל תקנתנו זו וימרה את פינו לבדלי שמור ולעשות וילך בשרירות לבו יהיה נבדל מתוך קהלנו ולא יהיה נמנה עמנו לדבר מצוה, וגם הב"ד והעדים יהיו נבדלים מאתנו ויהיה פתם פת כותי וכו' לנהוג בו כל דין עבריין וחוטא וגם בעדותם לא יהיה ממשות ברבריו רק יהיה חשוב ככלי חרס הנשבר שאין בו ממש. והשומע בטח ישכון וגם ברכות יעטה.

והתקנה הזאת נקראת בבית הכנסת הגדולה מבולונויאל, יום ד' י"ז ימים לירח מרחשון רצ"ו לפ"ק.

אברהם הכהן

הצעיר מבית אבי אליעזר בכמר' משלם זלה"ה מקמורו'  
הצעיר באלפי יעקב יצ' בכמ' אברהם זלה"ה מספורנו  
הצעיר אלחנן יעל' זוי"א בכמ' אברהם יגל' זלה"ה מפאנו  
הצעיר דוד בכמ' שמואל הטוב זלה"ה  
הצעיר יעקב הטוב בכמ' שמואל הטוב זלה"ה  
הצעיר יצחק יצ' בכמ' מנחם זלה"ה מוניטורא  
הצעיר שבכלם יצחק בכמהרר' מרדכי ממודי' זלה"ה

גרסינן בעדויות פ' חמשי<sup>180</sup> כשהגיע עקביה בן מהלאל למיתה אמר לבנו בני חזור כך בארבעה דברים שהייתי אומ' א"ל אבי אתה למה / לא / חזרת כך אמר לו אני שמעתי מפי המרובי' והם שמעו מפי המרובי' אני עמדתי<sup>181</sup> בשמועתי והן עמדו בשמועתן אבל אתה שמעת מפי היחיד ומפי המרובי' מוטב להניח דברי היחיד ולאחוז בדברי המרובי'. וכן אנחנו חתומי מטה נעשה כן ונניח דברי היחיד ונאחז בדברי המרובים: להיות כי בימים עברו נכתב בשמינו כתב גזרת נדוי חרם ושמתא נגד אליה פינו לבטל כל מין הרשאה ומכתבים עשה לבנו יצחק פינו

<sup>180</sup> משנה ז'. מביא, כנראה, את המשנה מפי הזכרון, ועל כן מביאה בשינוי לשון. כנראה היה זה מעין טופס קבוע שבביל כל מי שחזר מדעתו להתחיל במשנה זו שבעדיות, כי גם עזריאל דאינה מתחיל בה בענין דומה לזרן שלנו (עי' נספח א, תעודה א). וגם בכתב בענין מאלפי שפירסם מארכס (בתרביץ הניל, עמ' 180) אנו מוצאים את הדברים האלה: והמה ר"ל ראשי ישראל הנ"ל יביעו וידברו כמו שאמר עקביה בן מהלאל בפ' ה' דעדינות דתנן בשעת מיתתו אמר ליה... והם עמדו בשמועתם, ו'א שבדברי המשנה הם מביעים את חזרתם מדבריהם הראשונים.

<sup>181</sup> בכת"י כתוב: „אמרת“.



תם תל"ח והאל ית' אשר ערנה עזרני בכל משאלות לבי מהרה ירצני אכ"ר

דק"י, 115a

שנינו בערבי<sup>116</sup> פ' המוכר שדה בראשונה היה נטמן יום שנים עשר חדש כדי שיהיה חלוט לו התקין הל"ל שיהיה חולש מעותיו ללשכה ויהיה שובר את הדלת ונכנס אימתי שירצה הל"ל יבא ויטול מעותיו. ובגיטין פ' השולח<sup>117</sup> התקין ר"ג הזקן שתהא נודרת ליתומי' כל מה שירצו וגובה כתובתה, והעדים חותמי' על הגט מפני תקון העולם, והל"ל התקין פרוסבול מפני תקון העולם, ואמרינן בגמ'<sup>118</sup> תנן התם פרוסבול אינו משמט זה אחד מן הדברים שהתקין הל"ל הזקן שראה את העם שנמנעו מלהלוות זה לזה ועברו על מה שכתוב בתורה השמר לך פן יהיה דבר עם לבבך וכו' עמד והתקין פרוסבול מפני תקון העולם עכ"ל הגמ'. וכך מצינו בכמה מקומות בתלמוד שהיו חז"ל עושים תקנות כל אחד לפי צורך דורם כמו רבן יוחנן בן זכאי בפ' י"ט מרה<sup>119</sup> ובמציעא פ' הוזהב<sup>120</sup> א"ר יוחנן דבר תורה מעות קנות ומפני מה אמרו משיכה קונה גזרה שמא יאמרו לו נשרפו חטיף בעליה, וכן ההוא שהטיח באשתו והתרגול שנסקל בירושלם.<sup>121</sup> הרי שבכל דור ודור עושי' תקנות לפי הצורך והשעה, ואפי' שלא היו עוברי' על דברי תורה ולא על דברי סופרי' מ"מ מפני תקון העולם לבד היו עושי' תקנות, ואע"ג דאמרי' שראה את העם שנמנעו מלהלוות זה לזה ועברו על מה שכתוב בתורה, השמר פן ואל לא תעשה הוא כדאיתא בפ"ק דר"ה<sup>122</sup>, לא היו עושים מעשה בידים ואפ"ה עשו תקנות, כ"ש כשהדור פרוץ לעבור בידים על דברי תורה או על דברי סופרי' שחייב מי שיש ספק בידו לעשות תקנות וגדרי' מפני תקון העולם והוריו נשכר ומשובח אפי' לא היה אסור, כ"ש בדאיכא תרתי איסור ותקון העולם ולא יהיו מאינן דאמרינן בפ"ק מבתרא<sup>123</sup> כל מי שיש בידו למחות ואינו מוחה וכו'. וטובי העיר הם במקום ב"ד לגדור על קהלם ולעשות תקנות מפני ת"ה (=תיקון העולם) בכל דור ודור כדאמרינן ברה"י<sup>124</sup> מפני מה לא נתפרש שמויהן של זקנים לומר לך יפתח בדורו כשמואל בדורו.

לכן אנתנו הבאים על החתום בראותנו כי הדור פרוץ פה בולגריא ונעשה

<sup>116a</sup> = אמרן כן יהי רצון, לישועתך קויתי ה'.

<sup>116</sup> דף ד"א, ע"ב.

<sup>117</sup> גיטין ד"ה, ע"ב.

<sup>118</sup> שם, ד"ו, ע"א.

<sup>119</sup> שלש המשניות הראשונות מפרק ד' של ר"ה.

<sup>120</sup> בבא מציעא מ"ו, ע"ב.

<sup>121</sup> סנהדרין מ"ו, ע"א.

<sup>122</sup> המאמר הזה הוא בעירובין צ"ו ובמקומות אחרים, ואינו נמצא בפ"ק דראש השנה.

כנראה מצטט הוא מפי הזכרון, וכונתו על הברייתא שם דף ו' ע"א: תשמור זו מצות לא תעשה' ופירש'י כדר' אבין דכ"מ שנאמר השמר וכו'.

<sup>123</sup> המאמר הזה נמצא בשבת נ"ד, ע"ב. ונראה שהיה כתוב. בפרק ב"ב=בפרק כמה

בהמה, והמעתיק קרא, בבא בתרא'.

<sup>124</sup> ראש השנה, דף כ"ה, ע"א-ע"ב.

טועים על עצמנו. והכא נמי מכוער הדבר שיוציאו לעז טועים על עצמם אחר שנשמע קול הקרן כרווא קרי בחיל מטעם המורים לצדקה וראשי עם קדש ובתוכם אלה הבאים לפרש כאיש א' בלב א' להרחיק ולנהוג דין מגודה באיש אשר הביא החרם סתם ההוא מבולוניה מכח התקנה הזאת ככח תקנה כוללת כל מיני גזירה, ועתה בטוב להם יאמרו טעניו ואין כונת התקנה רק לדבר חלקי, ר"ל שלא להוציא אדם חוץ לעיר, כל השומע תצילנה אוניו ולא יאמין כי יסופר. עוד יש ראייה להביא ולהוכיח כי הפירוש שעושים הבאים לפרש התקנה הזאת אין לו שחר וחלה עליו חובת ביעור ומשתקי' למפרשי' בנויפה, וזה שאם התקנה לא באה רק לתקן שלא יצא איש מאנשי בולוניה חוץ מעירו לדין בעל כרחו איכא למיפרך תקנתא דרבני בולוניה ופרנסיה היא תקנתא דא"י ויתר הפוסקים היא<sup>110</sup> שנמנו וגמרו דהאידינא אין בית הועד וכופין אותו ודן בעירו לא שנה טובע ולא שנה נתבע כמו שהוכחנו בהקדמה התשיעית, ומסוגלת התקנה היא לחדש דבר שלא מן הדין כמו שהוכחנו בהקדמה רביעית. ולפי דעת הבאים לפרש התקנה הזאת באופן הזה מה חדוש חדשו רבני עיר בולוניה ופרנסיה בתקנה הזאת והלא דינא הוא. ואם יאמרו כי נתחדשה הלכה בעבור האיש האלם המאויים בעירו, כי מן הדין אפי' האידינא ראוי הוא שיצא מעירו אעפ"י שבשאר כל אדם אינו כן כההיא דמרי בר איסק פ' ב' דכתובות ופ' המפקיד<sup>111</sup>, ואתו רבני עיר בולוניה וטובי העיר ותקון דאפי' האלם היושב בעירם לא יהיה מוכרח לצאת מעירו לדין, ובזה חדוש הוא שחדשה תקנתם, כל זה אינו שווה להם, כי יצאו מפורשים ויכנסו בחמי חמין, שהרי אפי' להציל אדם רע מעון אין לתקן. תקנות כדאיתא בסוף פ' ג' דמס' דמאי<sup>112</sup> אמר ר' יוסי אין אנו אחראין לרמאי' וכו', ובפ' מרובה<sup>113</sup> גבי האי דתנן בריש פ' ה' דשביעית<sup>113א</sup> כרם רבעי מציינן אותו בכוחות אדמה וכו' אמר רשב"ג במה דברי' אמורי' בשביעית דהפקר ניהו אבל בשאר שני שבוע הלעיטוהו לרשע וימות, הרי שאין עושין תקון כדי להרחיק הרשע מהאיסור, ואיך יתקנו תקנה לחת בה יד ושם לאלמים שיגנבו ויכחשו וישימו בכליהם ויאמרו ידנו רמה בעירנו ומי ארון לנו להוציאנו חוצה, כי הלא אנחנו בעיר מבצר ומגדל עז התקנה ובה בטח לבנו כי אין איש בארץ ימלט אי נקי<sup>114</sup> ועם זה יוסיפו לחטוא עוד. ואם אנשים מתקני התקנה הזאת יאמרו כדברים האלה הלא המה מאלמי' אלמים<sup>115</sup> בתוך שדה אחוזם ומשימים עצמם רשעים לחזק ידי עושי רשעה, ולא תהא כזאת בישראל דלתקוני נועדו יחד שירידי ה' אשר חברו אל עמק שוה לתקן התקנה הזאת לא לעוותי להחזיק ביד מרעים.

110 דברי הא"י מובאים למעלה בהקדמה התשיעית.

111 כתובות כ"ז, ע"ב; בבא מציעא ל"ט, ע"ב.

112 משנה ה'.

113 בבא קמא ס"ח, ע"א –

113א ט"ס, וצ"ל: דמעשר שני.

114 עפ"י איוב כ"ב, ל.

115 עפ"י בראשית ל"ו, ז. הכוונה, שאנו מחזקים ידי התקיפים.

בכל אשר לו פן ידבק בידכם החרם ח"ו על אשר עבר על התקנה, והמעשה הזה מסכים עם הכת האומרת שהתקנה כללית בכל מיני החרם, וראוי יש לנו לסמוך על המעשה הנעשה מדעת כולם כמעשה רב, וראוי לנו ללכת אחרי עקבות הרועים שנהגו חומרת התקנה על כל המביא שום מין ממיני החרם, ועל פי המנהג ההוא ראוי לקבוע הלכה דאמרינן במסכ' סופרים<sup>103</sup> אין הלכה נקבעת עד שיהא מנהג. ולמה הדבר דומה למה שאמרו בפ' מי שמתו גבי טבילת בעל קרי דפריך תלמודא מכדי כללו תנאי ואמוראי בדעורא קא מפלגי ונחזי עורא הכי תקין<sup>104</sup>, והקשו שם התוספות דבהרבה מקומות גבי שאר תקנות לא פריך תלמודא הכי, ותראו דשאני הכא דדבר הרגיל בכל יום הוא לכך אנו זוכרין עכ"ל, משמע כי ההרגל הוא העד הנאמן אשר על פיו ראוי לדון ולפרש איך היתה תקנת עזרא, והכא נמי הואיל והמעשה הנעשה אשר הכל זוכרי' אותו מסכים עם הכת האומרת שדברי התקנה הזאת הם ככתבם ועל כל מין ממיני הנחש' גזרו טומאה והרחקה להביא, אין ספק שיש לנו ללכת אחריה ואם הלכה רופפת בידך הלך אחר המנהג. ופוק חזי כמה גדול כח המעשה בנדרון כזה דאמרינן פ"ק דיש' <sup>105</sup> אמר רבה מתקנת רבן יוחנן בן זכאי ביצה מותרת ורב ושמואל דאמרי תרוייהו<sup>106</sup> ופריך תלמודא לרב ושמואל מתקנת ריב"ז, ופריך הא לן הא להו, ופי' רש"י ז"ל וז"ל דכיון שלא פסקה אותה תקנה מאצלינו שנה א' לעשות יום א' דיין באיסורנו כראשונה עמדנו להיות כיום ארוך עכ"ל, הרי שאעפ"י שריב"ז בטל התקנה משני ימים הואיל ובני בבל לא הורגלו שנה א' <sup>107</sup> לעשות יום א' אחר שנתבטלה התקנה הזאת נשארו באיסור הראשון, אלמא דבעינן מעשה מסכים אל התקנה או אל הבטול, וכאן בנדרון שלנו שהמעשה שנעשה מסכים עם הכת האומרת שהתקנה הזאת כוללת כל מיני גזרה ולא נמצא שום מעשה מסכים עם הכת הבאה לפרש אם לא בערעור אין ספק שהלכה כמותם והתקנה נשאר כחה כח גזרה כוללת ולא קצתית. וראוי להפליא הפלא ופלא בגבורי' אשר מצאו עם אנשי חיל ידיהם להרחיק האיש שהביא החרם סתם מכח התקנה הזאת ועל פיה עשו מעשה, ועתה יוצאו לעז טועים על עצמם כי אם התקנה לא נתקנה אלא שלא להוציא אדם חוץ מבוולוניא לדון, א"כ שגו ברווא תעו מארח מישור להעניש האיש ההוא שהביא החרם סתם מכח התקנה ההיא. ולכן להם דומיה תהלה ואם מלה בסלע משתוקא באלף אלפים דיגרי זהב<sup>108</sup>, ועל דבר כזה אמרי' בפ' י"ט במסכת ר"ה<sup>109</sup> אמ' ריב"ז לבני בתירא כבר נשמע הקרן ביבנה ואין משיבין אחר המעשה; ופרש"י גנאי הוא שנוציא לעז

103 פרק י"ד, הל' יו.

104 ברכות כ"ב, ע"ב.

105 ביצה ה', ע"א.

106 צריך להשלים: ביצה אסורה.

107 בכתה"י כתוב, ש ע ה אחת; במבטא האיטלקי יש בהברת. עין' הברת-לוי של נון.

108 מרכיב את המשל הידוע, מלא בסלע משתוקא בתרין' (מגילה י"ח, א') במאמרו של

ר' חנינא על המרבה בתוארים (ברכות ל"ג, ע"ב).

109 ראש השנה כ"ט, ע"ב.



דהוה משמע שהיו אומדים זה מאומד הדעת אבל אמרו בהחלט ובודאי שלא היתה במקום דחוי מצוה כמי שיודע הדבר בבירור. אמנם הנמוקי יוסף דלא שמיע להו תשובת ר"ג כתבו דמי שקבל עליו חרם תקנתו השתא נמי אינו יכול לפי שמן הדין אין לנו לפרש מעצמנו ומאומדנא שום תקנה לפיכך הניחו תקנת ר"ג כוללת אפי' במקום דחוי מצוה. ואם אמור יאמרו הבאים לפרש דהשיב הרשב"א ח"ט 100 דתקנת ר"ג לא ראיתי ולא נתפשטה בכל ארצותינו והדעת נוטה שלא גזר תקנתו בכל הנשים ובכל המגרשים שלא עשה אלא לגדור בפני הפריצים והעוללים המעוללים בנשותיהם שלא כראוי וכו' עד נראה לי שלא עשה הצדיק תקנתו אלא מפני הפריצים שחוללים מעשיהם בדברים בטלים אבל באלה שאמרו שהוא מן הדין ומן המחוייב לגרש בזה לא גזר הרב עכ"ל. הרי דהרשב"א מאומדנא ומשקול הדעת עשה פירוש לתקנת ר"ג מדכתב בלשוננו והדעת נוטה וכו' ויאמרו בלבבם הבאים לפרש לעשות כן ה"ל הם ר"ל לפרש התקנה הזאת מעיר בולוניה מאומד הדעת ומסברא כמו שעשה הרשב"א לתקנת ר"ג, בזה אדעה מלי' אענם ואומר: דהרשב"א ראה והביט וחזה<sup>101</sup> בעין שכלו כי תקנת ר"ג באו לאסור המותר ולא להתיר האסור, הלא תראה שכתב ח"ל שלא עשה אלא לגדור גדר בפני הפריצים ואז קרוב הדבר לפרש התקנה באופן מסכים עם התכלית אשר בעבורו תקן המתקן ר"ל להחמיר ולאסור המותר. מצורף לזה, דלית' לר"ג קמן דנישיליה מה היתה כונתו בשעה שתקן, אבל בנדרון שלנו שכונת המתקנים היתה שלא יתערב זר ביניהם ונכרי לא ימשול במ כאשר אמרנו, איך יסכים פי' התקנה שעושים הבאים לפרש עם התכלית, ה"ל ביתר הדברים וזל'ת שלא להוציא איש מעיר בולוניה לדין יהיה אדם רשאי להביא חרם מחוץ לעיר איך יבואו לתכלית החפץ שכונו אליו מתקני התקנה הזאת שהיה שלא יעמדו זרים וירעו צאן מרעיתם. ונוסף על זה המתקנים אשר המה חיים עודנה ח"ל מכחישים האומדנא ואומרים הדעתא (ק': אדעתא) דהכי לא<sup>102</sup> נדרנו. וא"כ פשיטא דאפי' הרשב"א בנדרון הזה יאמר שיש לנו להניח התקנה כמות שהיא לא כחל ולא פרכוס<sup>101א</sup> והבא לפרש הרי הוא מפרש בים מים עמוקים עצה בלב אנשי חיל, ואילו הוה התם בעת שתקנוהו הוה נקיטי גלימהו ורהיט אבתריהו. ואם לחשך אדם לומר גם ממתקני התקנה אשר הם חיים עדנה, הם הבאים לפרש אותה ואומרים כי לתכלית זה נתקנה, ר"ל שלא יוכל אדם להביא פתקא דלשונא לאיש מבולוניה להכריחו שיצא לדין חוץ לעירו ולא לתכלית אחר, וא"כ הוה שתי כתי עדים המכחישות זו את זו ומאי חזית דסמכת אהני סמוך אהני<sup>102</sup>, אף אתה אמור לו דהוא"ל ונעשה מעשה שנהגו דין עברייין ומחרם והבדל הברידו לרעה כל העם מקצה לאיש שהביא חרם סתם בעיר בולוניה, והבאים עתה לפרש גם הם היו בראש העם ויאמרו סורו סורו אל תגעו

100 עי' למעלה הע' 71.

101 מליצה שאולה מסוף ספר יצירה.

101א צריך למחוק את המלה 'לא'.

101b עי' כחובות ט"ז, ע"ב.

102 עי' ב"ק ע"ג, ע"ב.



כל ראייה דאיכא ברשותי דחזיתיה ודלא חזיתיה לבטיל ולֵהוּי כעפרא<sup>95</sup>. והנח להם לישראל כי אם אינם נביאים בני נביאים הם, והמה ראו טוב טעם ודעת אלקים כי בקעה מצאו וגדרו בה גדר ועת לעשות לה'.

התולדה השלישית, האומרים לפרש התקנה ולא הניחו לה מקום להתגדר בה כי אם שלא להוציא אדם מעיר בולונוי חוץ לעירו לדין, הם מגלים פנים בתקנה שלא כהלכה מטעמים שונים. האחד דנראה לי שאין כח בשום אדם לפרש התקנות ולומר אדעתא דהכי הותקנה אם לא יודע. בבירור דעת המתקנים, וזה הואיל והתקנה נעשית על דעת המתקנים אם הם לא ישוו<sup>96</sup> לדעת א' כאיש א' לומר אדעתא דהכי תקנו אותה מי זה ימלאנו לבו לגשת לומר בצל אל הייתי וידעתי דעת וכונת המתקנים. ואין הדעת סובל ללכת בפירוש התקנות בעד אומדנא אפי' היכא דאיכא אומדנא דמוכח וראיה לדבר דכתב בנמוקי יוסף על האלפסי פרק הבא על יבמתו גבי הא דתנן<sup>97</sup> שהתה עמו עשר שנים ולא ילדה יוציא ויתן כתובה, ח"ל ולאותם שקבלו חרם ר"ג שלא לישא אשה אחרת על אשתו השתא נמי אינו יכול עכ"ל ואם יש לנו ללכת בתקנות אחר אומדנא ולפרש אותם למה לא נפרש תקנת ר"ג ולומר שלא היתה כונתו רק על פריצי הדור השטופים בזמה שאעפ"י שיש להם בנים מבקשים לקחת אשה על אשה להשביע נפש שוקקה אבל במקום דחוי מצוה כזה שאין לו בנים אמדינן דעתיה של ר"ג שלא היתה כונתו לאסור ואפי' למי שקבל עליו תקנתו אלא ודאי אית לן למימר כי לדעת המחבר ההוא אין לנו לפרש את התקנות אפי' היכא דאיכא אומדנא דמוכח. ואל תשיבני מה שכתב המ"ג בשם ראב"ה פ' החולץ גבי אם זקנה מותרת ליבם אם לאו ח"ל דהובמ"ס<sup>98</sup> היו אומרים דתקנת ר"ג לא היתה במקום דחוי מצוה וכו' משמע שיש לנו כח לפרש התקנות באומדנא, דיש להשיב דקרוב הדבר לומר שהיבמ"ס<sup>99</sup> ידעו מה שהשיב ר"ג בעצמו גבי שהתה עמו עשר שנים ולא ילדה ח"ל ואחרי שיש עמה עשר שנים אם לא ירצה לגרש כפינן ליה דכל כמה דאגיד בה לא נסיב אחריתי עכ"ל בהגהת המ"ג פ' הבא על יבמתו, הרי שר"ג בעצמו במקום מצוה מבטל תקנתו שתקן שלא לגרש אשה שלא<sup>99</sup> בעל כרחיה, דאי כיפינן ליה לגרש מטעם דכל מה (ק': כמה) דאגיד בה לא נסיב אחריתי הוא הדין דאם לא תרצה האשה להתגרש דמגרשה בעל כרחיה משום בטול פריה ורביה, ולפי זה הוא עצמו מפרש תקנותיו וגילה דעתו שלא עשה אותה במקום דחוי מצוה. ומה הטעם אמרו היבמ"ס<sup>98</sup> דתקנת ר"ג לא היתה במקום דחוי מצוה, דייקא נמי שלא אמרו היבמ"ס<sup>99</sup> בלשונם מסתמא או מסתברא שלא היתה תקנת ר"ג במקום דחוי מצוה

<sup>95</sup> מליצה לקוחה מן הפורמולה של ביטול חמץ.

<sup>96</sup> ישוו=יסכימו; למעלה הבאנו את המונח 'השוואה' במובן של 'הסכמה', שהשתמשו בו

סופרי הקהל מן החוג הזה.

<sup>97</sup> יבמות ס"ד, ע"א.

<sup>98</sup> כנראה שצ"ל: 'דהיבמים' כמו שכתוב אח"כ; ואולי צ"ל 'דחכמים'.

<sup>99</sup> צריך למחוק המלה 'שלא'.

מבטן מי יצאו אלה דברי כבושין, ועל כזה טוב לומר אין למדין מהלכה, עם כל זה אשיב אמרים לשואל ואמר דשאני התם, דקרוב הדבר לומר שתועלת תקנת הקהלות היה מגיע אל המשדך ולא היה לפנינו שנוכל לדעת מפיו אי ניחא ליה שיבטלו חרם הקהלות כי באולי היה הדבר באופן שאם היה לפנינו היה פוטר את חברו ואומר אי אפשר בתקנת חכמים כגון זו<sup>91</sup> ואז לא היה צריך בטול אחר. הלא תראה מה שכתוב בתחלת ההגדה ההיא ח"ל אין צריך רק שיפטרו זה את זה בעדים כשרים ברצון נפשם וכו' וסמך ליה מעשה המשדך שהרחיק נדוד, משמע שהמעשה ההוא היה באופן שאם המשדך היה לפנינו היה בידו לפטור את שכנגדו מחרם הקהלות ולא היה צריך שום בטול, ובהיות שהרחיק נדוד ולא היה לפנינו שישאלוהו הצריך שלשים בני אדם לבטל יען שכנגדו לא יעבור על החרם, אבל אם המשדך היה לפנינו והיה מוחה בידם שלא יבטלו אפי' באלף לא בטל. ומה שכתוב בהגדה חנו' דבכל תקנות צריך מאה אנשים דמשמע דבכל ענין מאה אנשים יכולים להתיר התקנות בההיא איכא למימר כמו שהשיב ר' יוחנן לריש לקיש בפרק דמועד קטן שהבאתי למעלה<sup>92</sup> אימא מעקרא התנו וכו' והכא נמי נימא מעקרא התנה ר"ג שמאה אנשים יוכלו לבטל תקנותיו תדע שכן הוא שהרי בהגדה עצמה כתוב ח"ל: ואשר הצריך ר"ג מאה אנשים וכו' משמע שר"ג מעיקרא הצריך הוא ק' אנשים אבל בסתם כמו בתקנה הזאת שתקנו רבני בולוניא וראשיה אפי' באלף לא בטיל, וא"ת הא קיימא לן בפרק קמא דמכות<sup>93</sup> ובפ' השולח<sup>94</sup> דנדר שהודר לדעת רבים לדבר מצוה יש לו הפרה והכא מצוה היא להחזיר עטרה ליושנה ולהגדיל תורה ולהעמיד כח הת"ח על דין תורה כי בזה כל העם ישמעו וייראו ואת דברות ת"ח<sup>94א</sup>, וא"כ אעפ"י שהתקנה נתקנה על דעת החתומים הואיל ולדבר מצוה הוא יוכלו חכמי הדור לבטלה ואף אם לא יסכימו כל טובי העיר. י"ל דהלא ר"ת כתב הטעם לדבר מצוה יש לו הפרה דלפי דמסתמא הרבים ההם אשר על דעתם נעשה הנדר מסכימים להפר הואיל ולדבר מצוה הוא. אבל בנדרון שלפנינו שהרבים אשר על דעתם נעשית התקנה צווחו כבוד בייא<sup>94ב</sup> שאינם מסכימים איך יבא הסתמא להוציא מיד ודאי, והלא אין כאן טעם ר"ת דמסתמא מסכימים. מצורף לזה, דמי יודע איזה יכשר הזה או זה להפיק רצון מה', והלא השיב מהרריק' שרש נב' ח"ל הא דאמרין לדבר מצוה יש לו הפרה היינו למצוה גדולה ומפורסמת שנדע בודאי שדעת הרבים מסכמת להתיר עכ"ל, הרי לפניך דתרתני בעיני, הא' שהמצוה תהיה גדולה ומפורסמת מה שאין כן בנדרון שלפנינו, שנית שנדע בודאי שדעת הרבים מסכמת, ובנדרון שלנו עינינו הוראות שאין דעת כל טובי העיר מסכמת. ומעתה כל ב"ד הבא לבטל התקנה הזאת ראוי לו שיאמר

91 ע'י כתובות, דף פ"ג, ע"א.

92 דף ג', ע"ב.

93 טעות המעתיק וצ"ל: בפרק ג' - דף ט"ז, ע"א המעתיק החליף כבר פעם. פ"ג ב. פ"ק'.

(ע'י הע' 62).

94א ע'י פסחים כ"ב, ע"ב.

94 גיטין ל"ז, ע"א.

94ב צ"ל: ככרוכיא.

טובי העיר הרבנים אשר יסדוה היה להם כח ב"ד הגדול וגדולי הדור כמו שהוכחנו בהקדמה החמשית, וזולתם ליכא האידנא גדולי הדור ולא ב"ד הגדול כמו שהוכחנו בהקדמה תשיעית, יתהייב א"כ שכל הבא לבטל התקנה הזאת דינו כדין ב"ד קטן לגבי טובי העיר ורבניה אשר יסדוה, ואיך יבא ב"ד קטן לבטל דברי ב"ד הגדול בתקנה שנתפשטה כזאת שנעשה על פיה מעשה בעיר בולונוייא, והלא הוכחנו בהקדמה הנז' שהתקנה שנתפשטה אליבא דכ"ע אם הבא לבטל אינו ב"ד גדול ממנו אינו יכול לבטלה, מצורף לזה שהוכחנו בהקדמה ששית שהתקנות שעושים הקהל על דעתם הם עושים והוה ליה כנדר שהורר על דעת רבים, ר"ל על דעת הבאים על חותמת התקנה שהם רבים, ואפי' ר"ת דס"ל דעל דעת רבים סתם יש לו הפרה הלא כתב דכל זמן שנדר על דעת רבים ואמר לפלוני ופלוני אם הם עצמם אינם מסכימים להפך שאין חכם יכול להפך, וכתבו התוספות פ' השולח<sup>88</sup> דבור אבל לדבר מצוה וכו' וז"ל כתב ר"ת דעל דעת רבים היינו שאומר על דעת פלוני ופלוני אפי' שלא בפניהם אבל על דעת רבים סתם לאו כלום הוא, ועל דעת יחיד אעפ"י שפי' יכול חכם להפך ע"כ, משמע דוקא כשפירש על דעת יחיד או החכם יכול להפך אבל כשפירש על דעת רבים אין חכם יכול להפך, וכן כתב בהדיא המ"ג בשמו וז"ל פירש ר"ת על דעת רבים אין לו הפרה וכו' עד והיינו על דעת רבים שאמר לרבים על דעתו אני נודר או אפי' שלא בפניהם אלא שאמר על דעת פלו' ופלו' ואם היו לפנינו והיה דעתם שוה להפך יפ' עכ"ל, הרי שהנדר הנעשה על דעת רבים נודע מי הם הרבים אם לא יהיה דעתם שוה להפך אין להפך. וכאן בתקנה הזאת שעל דעת המתקנים נתקנה וידוע מי הם ואין דעת כלם שוה להפך פשיטא שאין כח בשום ב"ד להפך. ואם יקשה המקשה ממה שנמצא כתוב בהגהת המ"ג וז"ל את כל ונוכחת, הלכה רווחת, שבחרם תקנת הקהלות אין צריך רק שיפטר זה את זה בעדים כשרים ברצון נפשם ומעשה ראיתי בפרישתיא<sup>88a</sup> של ר"י ור"י מקורביל' אספו כל חכמי העיר והסכימו כולם דאפי' אם המשדך הרחיק נדוד אין צריך להתיר חרם הקהלות כי אם שלשים בני אדם משלש ארצות להתיר שלא מרצוננו, ואשר הצריך ר"ג מאה אנשים אינו רק להוציא בעל כרחו בלא גט ע"י הוראת שעה עפ"י גדולים, ובזה ראיתי רבים חלוקים כי יש מפרשים שבכל תקנות ר"ג צריך מאה אנשים להתיר עכ"ל, משמע<sup>89</sup> דשלשים אנשים משלש ארצות יכולים להתיר חרם הקהלות וא"כ איך אמרנו דכל חכמי ישראל אין להם כח להתיר התקנה הזאת באמת קשה הדבר מאד לדבר על ההגהות כאלה שהדברים סתומים וחתומים ואין מביאים ראיה לדבריהם מן התלמוד והוה ליה כהלכתא בלי טעמא, ומי יודע מעשה שהיה שהמשדך הרחיק נדות(!)<sup>90</sup> איך היה שקשה מאד מה שכתוב בה וז"ל: אשר הצריך ר"ג ק' אנשים אינו רק להוציא בעל כרחו בלא גט כי איך יעלה על הדעת להוציא בלא גט בשום אופן, ומי יודע

88 גיטין ל"ו, ע"א.

88a נראה שצ"ל: בפריש בומ' (=בזמנם).

89 בכתי' כתוב בטעות, משמש'.

90 צ"ל: נדוד המעתיק העתיק מפי מקריא, והאיטלקים מבטאים ת רפה כ"ר.

ראוי להכתב כי מי שלח ידו בממלכות רעהו<sup>79</sup> ונקה מעון, הלא אקפד רבי ואומר מי הוא זה שבא לרדותנו בתוך ביתנו כדאיתא בירושלמי דשבת<sup>80</sup> ותלמוד ערוך במקומות אין קץ באתריה דר' פלוני הוה<sup>81</sup>, ואפי' הבא מארץ אחרת ללמוד תורה בני הישיבה היו מקפידין כרתניא בסוף פ' הערל<sup>82</sup> אמר ר' כשהלכתי ללמוד תורה אצל ר' אלעזר בן שמעון חברו עליו תלמידיו כתרנגולות של בית בוקיא ולא הניחוני ללמוד אלא דבר אחד במשנתנו וכו', ופירש' בית בוקיא בקיאים וחריפים ואינם מניחים תרנגול נכרי ביניהם ע"כ. מוזל, כי לו חכמו ישכילו כי זאת היא לקטע רגליהו דרשיעא ההולכים בפה חנף אל הרבנים אשר בארץ המה, ובשפת חלקות יביעו וידבר גבוהה גבוהה אף במסתרים וילשין עבד אל אדוניו, ופעמים רבות הרבנים ההם יאמינו לקול האות הראשון ומפיהם יוצאו קללת חנם או על תנאי אשר עליה חוששין נקיי הדעת, דקיימא לן קללת חכם אפי' על חנם או על תנאי היה באה<sup>82a</sup> וכל העדה כלם קדושים ויצאו בעקבות הרועים אשר היו לפנים דאמרינן בפרק מקום שנהגו<sup>83</sup> במערבא מימנו אנגדא דבי רב ולא מימנו אשמתא, ואם גזרו שלא ישאו גוי אל גוי חרם מחוץ לערים והחטאים בנפשותם חרם חבא בבסם<sup>84</sup>, עשו הישר בעיני אלקים ואדם, והיא גופה גזרה שאין רוב הצבור יכולין לעמוד זולתה. וכל הקרב לעבור על כל דבר האגרת ההיא עליו הכתוב אומר במארה וכו'<sup>85</sup> ומבטל מצוה הוא כמו שהשיב רש"י הביאו המ"ג פ' ג' דשבועות על מי שנשבע שלא לקבל עליו גזרת הקהל והשיב שחייב על זדונו מלקות כדין מי שנשבע לבטל המצוה והאיש הירא את דבר ה' יגיס וזממו ורעיניו לבבו אל הבתים<sup>86</sup> בתי גואי, ולבא לפומא לא יגלה להטיף מום בתקנה הזאת, כי עם ה' אלה לא היה להם כח להסיר ת"ח<sup>86a</sup> מגבירה בדבר' כאלה כי כל האומר דבר כזה לא אסיק אליבא דהלכתא לפי קוצר השגתי הקלושה, ואתחנן אל ה' יתן בלב התועים מדרך השכל<sup>87</sup>, ואני כאחד מהם, לשמוע דברי חכמים וחדותם בתורה ובמצוה צוה לנו משה, ואיש אל רעהו יאמר מודה אני לפניך על האמת, ושלום על דיני ישראל.

התולדה השנית, שאם יהיו כל חכמי ישראל ויאמרו לבטל את התקנה הזאת, אם כל טובי בולוניה ורבניה לא יסכימו אין בהם כח לבטלה, והטעם הוא כי

79 עדה"כ שמות כ"ב, י - בממלכות במקום. במלאכת.

80 פרק ר' אלעזר דמילה (?).

81 עי' שבת י"ט, ע"ב; פסחים ד', ע"א; יבמות י"ד, ע"א וכו'.

82 יבמות פ"ד, ע"א.

82a מכות י"א, ע"א.

83 פסחים נ"ב, ע"א.

84 עדה"כ ישעיה כ', ד; תהלים ל"ז, טו - חרם, הרמס' במקום, חרבי, חרבים.

85 מלאכי ג', ט.

86 עדה"כ שמות ט', כ.

86a תקנת חכמים.

87 שאול מתפלת הבינו (ברכות כ"ט, ע"א); ועדה"כ משלי כ"א, טו.

ההקדמה השמנית, הכח שיש לת"ח לנדות הוא מדרבנן ואע"ג דאמרינן פ' ואילו מגלחין<sup>73</sup> מנא לן דמשמתינן דכתיב אורו מרו וכו' אסמכתא בעלמא היא כהרבה מקומות דאמרינן בגמ' מנא לן ואפי' הכי הן מדרבנן וקרא לאסמכתא אתא. הלא תראה דכל האבעיא להו דלא אפשטו גבי מנודה כגון בעטיפת הראש מהו בתפילין מהו פסקו הפוסקים לקולא כדין ספקא דרבנן<sup>74</sup> וא"כ כח הת"ח לנדות הוא מדרבנן. ההקדמה התשיעית, בזמן הזה אין לנו בית הועד ואין לכופ אדם לצאת חוץ מעירו לדון ובפרט כשיש בעירו מומחה יודע דין תורה, וזה פשוט וכתב המ"ג<sup>75</sup> פ' זה בורר בשם האו' ח"ל כל היכא דיש בעיר מומחה ויודע דין תורה לאמתו הרי זה דן בעירו בעל כרחו לא שנא תובע ולא שנא נתבע וכו' ותו דלית לן בית הועד מקום קבוץ חכמים שיתבייש מהם ע"כ, ואע"ג דכתב הרמב"ם סוף פ' ששי בהלכות סנהדרין<sup>76</sup> ח"ל וכן הדין בזמן הזה שאין ב"ד הגדול אבל אם יש מקומות שיש חכמי גדולים מומחים ומקומות שיש בהם ת"ח שאין כמותן, אם אמר המלך נלך למקום פלוני הגדול ונדון לפניו בדין הוא שכופין והולך לפניו וכו'. הלא הוכיח מהררי"ק בשרש צ' דמימות הרמב"ם עד ימי ריא"ז נתמעטו הלבבות עד שאפי' הרמב"ם היה מודה שבימי ריא"ז לא היה שום ב"ד ראוי להקרא בית הועד וקל וחומר מימות הריא"ז עד זמננו זה דאם הראשונים אנשים אנו חמורים ולא כחמורו של ר' פנחס בן יאיר<sup>77</sup>, וא"כ פשיטא שאין שום ב"ד עתה ראוי להקרא בית הועד, וכופין אותו ודן בעירו.

וזהו מה ששיעורנו להקדים בהקדמות אלה מיוסדות על דברי חכמים וחדותם ואלה תולדותם:

התולדה הראשונה, כי ראשי עם ק"ק בולגונייא היה לאל ידם ליסד התקנה הזאת וכחם יישר, והטעם הואיל שיש להם כח בעירם כגדולי הדור בכל מקום כמו שהוכחנו בהקדמה החמישית, ולא מבעיא אם הכח שיש לת"ח לנדות הוא מדרבנן כמו שהוכחנו בהקדמה השמנית דפשיטא שיכולים לעקור אותו בידם בכל ענין כמו שהוכחנו בהקדמה השנית, אלא אפי' ■ היה מדאורייתא כח אבנים כחם לתקן תקנה כזאת מטעמים שונים, חדא כי אם כה יאמרו שלא יביא אדם שום חרם וכו' הדבר דומה לשב ואל תעשה כלולב ושופר ודומיהן דמו דאפי' בדאורייתא ב"ד מתנין לעקור כמו שבארנו בהקדמה השנית. שניה לה דהכא לא עקירה איכא לגמרי כי נשאר הכח ליסר החטאים בסילוא דלא מבעא דמא ביד רבני העיר, וידיהם לא אסורות להוכיח בשער בחשן המשפט לאיש אשר יעשה בזדון אחת מכל התועבות החייבים על זדונם קללת חכם, אמנם איש נכרי אל ימשול בס' לנחש<sup>78</sup> לאיש מתושבי העיר והגרים בה בלתי הסכמתם. ודבר כזה אלו לא נכתב

73 מועד קטן ט"ז ע"א.

74 ע' מועד קטן ט"ז ע"א וע"ב; ועי' רמב"ם הל' תלמוד תורה, פ"ז. טור יורה דעה ס"י ש"ד; ועי' מהרי"ק שורש כ"ה ומהר"ם מפאדובה ס' ע"א.

75 המדרכי גדול. 76 פרק ו', הלכה ט'.

77 שבת ק"ב, ע"ב.

78 להטיל נדוי חרם שמתא; עדה"כ שמות כ"א, ח.

שהתקנה שנתקנה בעד מקום א' ונתפשטה שם דיניה הוי כדין תקנה שנתקנה כללית בכל ישראל ונתפשטה ברובו. וחינו לדין דלכולי עלמא כשהתקנה נתפשטה, ב"ד שאינו גדול ממנו אינו יכול לבטל. ואמנם אמרנו בהקדמה „בלי שום תנאי" לפי שאם התנו מעיקרא כל הרוצה לבטל יבא ויבטל או אפי' נתפשטה כל ב"ד אפי' הקטן ממנו יכול לבטל דאמרין פ"ק דמועד קטן<sup>68</sup> אמר ליה ריש לקיש לר' יוחנן ר"ג ובית דינו היכי מצו מבטלי תקנות דב"ש וב"ה והתנן אין ב"ד יכול לבטל דברי ב"ד חברו אלא א"כ גדול ממנו בחכמה ובמנין, אשתומם כשעה חדא אמר אימור כך התנו מעיקרא כל הרוצה לבטל יבוא ויבטל. וכן תרצו התוספות פ' מרובה<sup>69</sup> אדבור דאתא איהו תקין אפי' לדברי תורה, ואם תאמר איכי אלים ר' יהודה לבטל תקנת עזרא ותרצו אימור כך התנה מעיקרא וכו'". ועוד אמרנו בלי שום תנאי, לפי שאם עשו התקנה לזמן מה כיון שעבר הזמן המוגבל אינו צריך שום בטול כמו שכתבו התוספות פ"ק ד"ט<sup>70</sup> וכן הרשב"א השיב כי תקנת רבינו גרשם לא נתקנה רק בעד האלף החמשי<sup>71</sup>, ולכך פסק שלא היה לה מקום בזמנו, ועל כיוצא בזה אמרנו בלי שום תנאי. ואם יערער המערער ויאמר הא קיימא לן דבר שבמנין צריך מנין אחר להתירו משמע דכל מנין אפי' אינו גדול ממנו יכול לבטל וא"כ קשו כללי אהדדי, וי"ל דהא דאמרין דבר שבמנין צריך וכו' הוא כגון שידוע מאיזה טעם נגזרה הגזירה ואירע דבר שהטעם נתבטל והיה ראוי שתבטל הגזירה ממילא בלי בטול אחר ואפי' הכי הצריכו חכמים מנין אחר להתירו. וראיה לדבר בפ"ק ד"ט<sup>72</sup> גבי מנא לן דכל דבר שבמנין צריך מנין אחר להתירו תניא כרם רבעי היה עולה לירושלם מהלך יום אחד וכו' עד אמר ר' יוחנן מה טעם כרי לעטר שוקי ירושלם בפירות, תניא כרם רבעי היה לו לר' אליעזר במזרח לוד בצד כפר טבי ובקש להפקירו לעניים אמרו לו תלמידיו רבי כבר נמנו עלך חבריך והתירוהו ופי' רש"י ז"ל ואע"ג דממילא ליתא לתקנתא קמייא דהא לעטר שוקי ירושלם הוא דהוה וכיון דחרבה מה לנו לעטרה לצורך גוים אפי' הכי צריך מנין אחר עכ"ל. הרי שהטעם שמנין אחר די לבטל הוא לפי שמן הדין לא היה צריך שום מנין לבטל הואיל ואנחנו יודעים טעם התקנה בתכליתה, וכן כתב האשר"י פ' הנז' וז"ל צריך מנין אחר פי' דבר שנגזר במנין חכמי' ואירע דבר שהוא ידוע שהגזירה בטלה כגון שידוע מאיזה טעם נגזרה הגזירה ואותו הטעם בטל לו וא"כ ראוי היה שתבטל גם הגזירה ממילא ואפי' הכי אינה בטלה עד שימנו חכמים עליה ויבטלה עכ"ל. הרי שגם הוא פירש הטעם למה מנין אחר די לבטל לפי שהיה ראוי להיות הגזירה בטלה מעצמה בלי בטול אחר הואיל ונודע אצלנו טעם התקנה בתכליתה בבידור, אבל התקנות שלא פורש בהם הטעם והסבה ונתפשטו אז ודאי המנין שאינו גדול ממנו בחכמה ובמנין אינו יכול לבטל כמו שכתבנו.

68 דף ג' ע"ב.

69 בבא קמא פ"ב ע"ב.

70 ביצה ה' ע"א.

71 כנראה, מביא הוא את תשובת הרשב"א מתוך תשובות מהרי"ק שורש ק"א, ועי' תשובות

מהר"ם מפאדובה סי' י"ד, ובדרכי משה לטור אבן העזר סי' א'.

72 ביצה שם.



כִּלְלַתִּי בּוֹ עֲצָמִי וְלִמְד מִיהוֹנָתָן בֶּן שְׁאוּל וכו', הרי דִּלְכָּע אם טובי העיר מסכימי  
אין ספק שיש להם כח בעירם כמו גדולי הדור בכל מקום.

ההקדמה הששית, התקנה והגזרה שעושין טובי העיר היא על דעתם וזה מבואר  
בתוספות פ"ק דשבועות<sup>62</sup> בסוף דבור כי הכי דלא להווי הפרה לשבועותיא  
כתבו וז"ל אבל חרמות שאנו גזרי' הכל תלוי בדעת הקהל עכ"ל, והמ"ג<sup>63</sup> פ' לא  
יחפור כתב וז"ל כשגזרין גזרה הקהל אין חלה מתחלה אלא לפי חפצם עכ"ל,  
וזה דבר פשוט והאריכות בו למותר.

ההקדמה השביעית, התקנה שנתקנה בלי שום תנאי ונתפשטה הב"ד שאינו גדול  
בחכמה ובמנין ממתקני התקנה אינו יכול לבטלה, ובמשנה היא בפ"ק דעדויות<sup>64</sup>  
דחנן אין ב"ד יכול לבטל דברי ב"ד חברו אלא א"כ גדול ממנו בחכמה ובמנין.  
אמנם יש בנושא הזה דעות וחלוקי' וראוי לעמוד עליהם כי מהם נתברר כונתנו  
על נכון בעה"ו.

בפ' אין מעמידין<sup>65</sup> איתא בכלל יכול ב"ד לבטל דברי ב"ד חברו חוץ מ"ח  
דבר אפי' אם יבוא אליהו ובית דינו אין שומעין לו אמר ר' מרשייא מה טעם  
הואיל ופשט אסורו ברוב ישראל ע"כ. ופרש"י יכול ב"ד לבטל גזרת ב"ד חברו  
שגזר על המותר ובלבד שיהא גדול ממנו וכו' משמע לפי זה דהא דקאמר בכל  
יכול ב"ד לבטל דברי ב"ד חברו בגדול ממנו מיירי אע"ג דסתמ' קאמ', והטעם  
דאי לא תימא הכי הוה פליג למתניתין בעדויות שהבאתי למעלה, אבל בי"ח דבר  
אפי' יהיה גדול ממנו, אפי' אליהו ובית דינו שהיו גדולים מתלמידי שמאי והלל  
אינם יכולין לבטלם, ואמר שהטעם הוא לפי שגזרת י"ח דבר נתפשטה ברוב ישראל  
אפי' ב"ד הגדול בחכמה ובמנין אינו יכול לבטלה, וכן כתב הר"ן וז"ל פשט אסורו  
אפי' גדול ממנו כאלהיו ובית דינו אינו יכול לבטל, אמנם הר"ר אלחנן ס"ל דרוקא  
ביח' דנתפשטו אפי' ב"ד הגדול ממנו בחכמה ובמנין אינו יכול לבטלם אבל לא  
מטעם שנתפשטו אבל לפי שעמדו המתקנים על נפשותם ומסרו עצמם עליהם אבל  
בשאר התקנות שלא מסרו עצמם עליהם אם נתפשטו הב"ד גדול ממנו יכול לבטלם  
ואם לא נתפשטו אפי' הקטן יכול לבטלם וזה פשוט בתוספות פ' אין מעמידין ופ'  
השולח<sup>66</sup>. נמצאנו למדין שהתקנה שנתפשטה לא מבעיא להר"ן ולפי פשט הסוגיא  
דלעיל דאין לה בטול בשום אופן, שהרי אפי' ב"ד גדול ממנו אינו יכול לבטל  
אלא אפילו להר"ר אלחנן דס"ל שיש לה בטול בעינן ב"ד גדול ממנו בחכמה  
ובמנין. ואין לחלק בין נתפשטה ברוב ישראל לנתפשטה במקום אחד, דכתבו  
התוספות סוף דבור פ' השולח<sup>67</sup> וז"ל מיהו בדבר שלא תקנו שיתפשט האיסור  
בכל ישראל אלא במקום א' כגון וכו' גדול יכול להתיר ולא קטן עכ"ל, הרי לפנינו

<sup>62</sup> ט"ס, וצ"ל: פ"ג - דף כ"ט, ע"ב.

<sup>63</sup> =המרדכי גדול.

<sup>64</sup> פרק א', משנה ה'.

<sup>65</sup> עבודה זרה ל"ה ע"ב.

<sup>66</sup> עי' הע' 57-58.

<sup>67</sup> גיטין מקום הנו'.



במאי עסקינן שהרכין ההוא מהם בראשו, ופרש"י דנראה כהודה לדבריו. הה', אפי' לא הרכין בראשו אלא שהיה במעמד בעת שנעשית התקנה ולא מיחה, והשיב ראב"ה ז"ל ופירש במעמד אנשי העיר שעושין בפרהסיא ואין מוחה וכו' עכ"ל, והאריך בראיות להוכיח הדבר הזה המ"ג<sup>54</sup> פ"ק דבבא בתרא יעויינו שם.

ההקדמה הד', התקנה באה לחדש דבר שלא מן הדין לא להסכים עמו, וראיה לדבר דאמרי' פ"ק דשבת<sup>55</sup> גבי שמעון בן שטח גזר טומאה על כלי מתכות ופריך דאורייתא היא, וכן פ"ק דמועד קטן<sup>56</sup> גבי הא דתנן במסכת שביעית עד אימתי חורשין בשדה האילן ב"ש אומרי' כל זמן שיפה לפרי וב"ה אומרי' עד העצרת וקרי' להו בגמרא תקנות דב"ש וב"ה, ופריך דידהו היא ה"א<sup>57</sup> היא וכו', ופ' אין מעמידין<sup>57</sup> גבי בנותיהן שהוא א' מ"ח דבר פריך בגמ' בנותיהן דאורייתא היא, וכן שם גבי יוסף בן יעזר איש צרדה דהעיד דכל דמקריב למתא מסאב ועל זה קראו ליה יוסף שריא פריך בגמ' דאורייתא היא, ובפ' השולח<sup>58</sup> גבי הא דתנן עדים חותמין על הגט מפני תקון העולם פריך בגמ' דאורייתא היא, וכן פ' מרובה<sup>59</sup> גבי עשר תנאים שהתנה יהושע ועשר תקנות שתקן עזרא פריך כהאי גוונא, ובר"ה פ' י"ט<sup>60</sup> גבי הא דתנן משהרב בית המקדש התקין רבן יוחנן בן זכאי שיחא יום הנף כולו אסור פריך אמר ר' יהודה והלא מן התורה אסור, ופרש"י מה חידוש חדש רבן יוחנן בן זכאי, הרי בהדיא שהתקנה באה לחדש דבר שלא כדין לא להסכים עמו, ולכן בכל מקום שלכאורה נראה שהתקנה מסכמת עם הדין פריך תלמודא דאורייתא היא כלום אינה תקנה הואיל שמסכמת עם הדין תורה ודין הוא ולא תקנה.

ההקדמה החמשית, טובי העיר יש להם כח לתקן תקנות שלא כדין בעירם כמו גדולי הדור בכל מקום וכ"ש אי איכא בהדי' חבר עיר, דאמרינן פ"ק דבבא בתרא<sup>61</sup> רשאין בני העיר להסיע על קצתם ופירש רש"י להסיעם מדת דין תורה ופ' ר"ת דטובי העיר הוו כחבר עיר וכל כמיניהו, והר"ם פ' הטעם דטובי העיר הוו בעירם למה שהובררו כמו גדולי העיר בכל מקום, ור"י הזקן ממין ור"ת והר"ם סבירא להו דבעינן שיאותו כולם יחד אבל ראב"ה הוסיף דאם רוב הקהל מסכימי ויכולי' לכופף להיות צייתי לתקנתם כמו שכתב המ"ג בשמו בארח (בתרא?) פ' הנ' ובפ' ג' דשבועות כתב אפי' לא שמע הוא נכלל בחרם הקהל דכתב וז"ל מצאתי בסדר התשובות שישד הר' אליעזר מגרמיישא אל יאמר אדם לא שמעתי החרם ולא

54 = המרדכי גדול. המרדכי גדול היה מצוי אז באיטליה; ביחוד בין תלמידי המהרי"ק. על שימוש של ר' אברהם הכהן במרדכי הגדול עי' מארכסיפסקים, עמ' 39, הע' 173.

55 דף י"ד ע"ב (וע"ש).

56 דף ג' ע"ב: דידהו הוא הלכה למשה מסיני היא; וגם כאן במקום. הלא היא צריך

להיות. ה. ל"מ (=הלכה למשה מסיני) היא.

57 עבודה זרה ל"ו ע"ב: ל"ז ע"א.

58 גיטין ל"ו ע"א.

59 בבא קמא פ"ב ע"א.

60 = יום טוב, דף ל' ע"ב.

61 דף ח' ע"ב.

הא קיימא לן בעלמא חכמים עשו חזק לדבריהם יותר משל תורה<sup>43</sup> ובפ' מי שמתו<sup>44</sup> אמרי' כל מלתייהו דרבנן אסמכוהו אלאו דלא תסור וא"כ איך יכולי' ב"ד לעקור דבר שהוא מדרבנן בכל ענין הואיל ואינם יכולי' לעקור דבר שהוא מן התורה בכל ענין, וי"ל דלא אמרינן חכמים עשו חזק וכו' אלא היכא שאנו רואים בהדיא שהחמירו רבנן באותו דבר כמו בשל תורה אבל במקום שלא החמירו הם אנן אזלינן לקולא<sup>45</sup> ובספק דאורייתא אזלינן לחומרא, וזה החלוק נמצא באשרי' פ' ואלו מגלחין גבי פלוגתא אם אבלות מדאורייתא או דרבנן<sup>46</sup> דכתב ח"ל ואעפ"י שחכמים עשו חזק לדבריהם כשל תורה והעמידו דבריהם במקום עשה בכאן לא החמירו עדין עכ"ל, אלא דלאו בכל מקום יש לומר חכמים עשו חזק לדבריהם וכו'. ההקדמה הג', צריך שהתקנה תהיה מקובלת וזה פשוט מדאמרינן בירושלמי פ"ק דשבת והביאורו התוספות פ' השולח<sup>47</sup> דבור אלא א"כ גדול ממנו ח"ל אמר ר' יוחנן בשם ר' שמעון בן יוחזקדק מקובלני שכל מורה שב"ד גוזרין על הצבור ולא קבלו רוב הצבור עליהם מורה עכ"ל, וזוהי הטעם היותר השמן כדאיתא פ' אין מעמידין<sup>48</sup> וכן בגמ' דידן פ"ק דשבת<sup>49</sup> גבי י"ח דבר איתא מור שמאי והל"ל ולא קבלו מניה ואתו תלמידיהו מור וקבלו מניהו, אטעם אופן קבלת האדם התקנה הוא על אחד מה' פנים: הא' אם הנהיגו ונעשה מעשה על פי אותה תקנה דאין לך תקנה מקובלת גדולה מזאת הואיל והמנהיג מחזק במעוזה ומעשה רב, ועליה ראוי לומר כמו שאמרינן פ' החולץ<sup>50</sup> ובפ' הקומץ רבה<sup>51</sup> אם יבא אליהו ויאמר חולצין בסנדל אין שומעי' לו שכבר נהגו העם במנעל וכו'. ודבר פשוט הוא כמה גדול כחו של המנהיג והאריכות בו אך למותר. השני, אם הוא מן הנמני' לייסד ולתקן התקנה כי אז חייב הוא פי שנים לקיים כל תקף התקנה מולתו כמו שאמר ר' שמעון בן יוחי ליהוא סבא בפ' במה מדליקין<sup>52</sup> דאמר ליה אפי' היית עמנו ולא נמנית עמנו יפה אתה אומר עכשיו שהיית עמנו ונמנית עמנו יאמרו וכו' עד נתן עיניו בו ונעשה גל של עצמות, הרי שר' שמעון בן יוחי הכביד ענש ההוא סבא לפי שהיה מן הנמני' ואח"כ פקפק מה שלא היה מענישו אם לא היה מן הנמני' אעפ"י שהיה מן המקבלי' וזה פשוט. השלישי, אם שמע ואמר אמן אעפ"י שלא היה מן הנמני' כההיא דפ' שבועות העדות<sup>53</sup> דאמרינן משביעך אני ואמ' אמן חייב. הר', אפי' לא ענה אמן אלא הרכין בראשו כההיא דאמרינן פ"ק דהוריות<sup>54</sup> הכא

43 עירובין ע"ז, ע"א; כתובות נ"ו, ע"א ושאר מקומות.

44 ברכות י"ט, ע"ב.

44א נראה שצריך להוסיף: נוראיה לדבר שהרי בספק דרבנן אזלינן לקולא.

45 מועד קטן י"ח, ע"ב וכו'.

46 גיטין ל"ו, ע"ב.

47 עבודה זרה ל"ו, ע"א.

48 דף י"ד, ע"ב.

49 = מצות חליצה – יבמות ק"ב, ע"א (ע"ש).

50 מנחות ל"ב, ע"א.

51 שבת ל"ד ע"א.

53 דף ג' ע"ב.

52 שבועות פרק ד', משנה ג' – דף ל"א ע"ב.

מיוסדות על פנת יקרת אמרות ה' מווקקות והיו למאורות להאיר אל עבר פני האנשים אשר לא ירדו לעומק דינה, חו יצאה ראשונה:

ההקדמה הא', כל תקנה היא על אחד מב' פנים אם לאסור המותר אם להתיר האסור, אם לאסור המותר כרוב התקנות שהתקין רבן יוחנן בן זכאי כההיא דתנן שיהא יום הנף כלו אסור ודומיהן במסכת ר"ה פרק י"ט<sup>30</sup> וכההיא דאין הכהנים רשאים לעלות בסנדריהן לדוכן שהתקין גם הוא כדאיתא פ' ואלו נאמרין<sup>31</sup> וכההיא דתנן בסוף מסכת מעשר שני ובסוף מסכת סוטה<sup>32</sup> יוחנן כהן גדול העביר את המעוררים ואת הנוקפים וכעשרת תקנות שתקן עזרא בפ' מרובה<sup>33</sup> ודומיהן. ואם להתיר את האסור כההיא דתנן בפ' בתרא דברכות<sup>34</sup> התקינו שיהא שואל את שלום חברו בשם, ופי' רש"י ז"ל ח"ל מולד בכבודו של מקום הוא מפני כבוד הבריות וכו' עד מותר להפך תורה ולעשות דבר הנראה אסור עכ"ל. וכההיא דתנן בפ' י"ט במסכת ר"ה<sup>35</sup> התקין ר' יוחנן בן זכאי שיהיו תוקעין בכל מקום שיש בו ב"ד ושיהיו מקבלין עדות החדש כל היום וכו', וכההיא דהתקין גם הוא דת"ר גר בזמן הזה צריך שיפריש רובע לקנו אמר ר' שמעון כבר נמנה עליו רבן יוחנן בן זכאי ובטלה כדאיתא ריש פ' ארבעה מחוסרי כפרה<sup>36</sup>, וכההיא דתנן פ' אם אינם מכירין<sup>37</sup> ר"ג הוקן התקין שיהיו מהלכין אלפים אמה לכל רוח וכו', אע"ג דמן הדין לא היו להם רק ארבע אמות לפי שבאו מחוץ לתחום כמו שפירש רש"י שם, וכההיא דתנן פ' בתרא דש"ס<sup>38</sup> הלל הוקן התקין פרוחבול, וכההיא דתנן בסוף מסכת שביעית<sup>39</sup> ובסוף מסכת סוטה<sup>40</sup> יוחנן כהן גדול בטל הודעת המעשר וכו' ודומיהן.

ההקדמה הב', ב"ד מתנין לעקור דבר שהוא מדרבנן בכל ענין אבל אין ב"ד מתנין לעקור דבר שהוא מן התורה כי אם על אחד מג' פנים, או בשב ואל תעשה, או בממונא, או למגדר מלתא, וזה פשוט בסוגיית הגמרא בפ' האשה רבה<sup>41</sup> גבי וכי ב"ד מתנין לעקור דבר מן התורה ובפ' השולח<sup>42</sup> גבי פרוחבול. ואם תאמ'

30 פרק ד', משנה ג'-ד' ע"א.

31 מס' סוטה ד' ל"ט ע"ב.

32 פרק עגלה ערופה, משנה י'-ד' מ"ו, ע"ב.

33 בבא קמא פ"ב, ע"א. במובן המצומצם של המלה אין תקנות עזרא באות לאסור את המותר, אלא להטייל חובה לעשות דבר שברשות. ואולי מתכוין המחבר על התקנה האחרונה של טבילת קרי במובן של איסור הקריאה בדין.

34 פרק הוראה, משנה אחרונה - ד' ג"ד, ע"א.

35 דף כ"ט, ע"ב; ד', ע"ב.

36 מסכת כריתות ט', ע"א.

37 מס' ראש השנה, פרק ב', משנה ה'-ד' כ"ג, ע"ב.

38 =שביעית - פרק י', משנה ג' ועי' גיטין ל"ד, ע"ב; ד"ו, ע"א.

39 ט"ס וצריך להיות: מס' מעשר שני.

40 דף מ"ו, ע"ב.

41 יבמות פ"ט-צ' כל הסוגיא. למגדר מילתא=הוראת שעה.

42 גיטין ד"ו, ע"ב.

אל עם תורתו בלבם עוז ותעצומות להחרים כל עיר מתים<sup>15</sup> עושה רשעה, איה איפה עיר ואם בישראל והיה כחם לעשות תקנה כזאת לאסור שריו, לכן המתקנים חשבו מזמה בל יוכלו חרועם לא הושיעה למו<sup>16</sup>. ויבואו אנשי ראש האשמות התיכונה<sup>17</sup> ויצורו עליה ועיניהם ישתו לשפוך סוללה ולהפיל חומת התקנה הזאת<sup>17א</sup> ויאמרו נקומה ונעלה ונבקינה אלינו<sup>18</sup> וכל חומרא דאיכא ברשותיה לביטיל ולהזהר כעפרא<sup>19</sup> והיתה תל עולם. והפרשים, המה הראש השלשה, שות שתו השערה<sup>20</sup> לפרש את דבריהם על דרך מסכים אל התורה צוה לנו משה, והמה יביעו וידברו כי היו ממיסדי התקנה הזאת ולבם לא נכון עמה בו כי אם להשבית כל חרם אשר יחרים איש אשר לא מעיר בולגוייא על הגרים בה להוציאם מחוצה למשפט, אך החטאים אשר בידיהם חטא ומשפט קול חרם בישראל ידרו במ ישרים וקדושים אשר לא בארץ בולגוייא המה<sup>21</sup> לכתוב עליהם מרורות ולנהוג נשיאותם בלשון חכמים מר פה<sup>22</sup>.

ואנחנו הבאים על החותמת אין לנו אלא דברי בן עם רס<sup>23</sup> דברים ככתבם אשר גבלנו ואשר גבלו ראשונים אשר בצרור החיים חיתם את ה' אלקינו<sup>24</sup>. ולמען ידעו דור אחרון איזה<sup>25</sup> נלך בו לחוק במעוז מגדל עוז התקנה הזאת ושום חרם לא יעבור בארצנו<sup>26</sup> ולהפר עצת הקמים עליה להסירה מגבירה<sup>27</sup> אמרנו להעלות על לוח אשר חכמים הגידו ספרו לנו מצאו כל אנשי חיל מפי סופרים ומפי ספרים בטוב טעם ודעת קדושים קושט דברי אמת<sup>28</sup>, והשומע ישמע ויבן וכל הקרב להפיל פנת יקרת התקנה הזאת על דבר אמת ועונה צדק גיש עצומות ראיותיו יוציאם אלינו ונדעה אותם<sup>29</sup>. ולמען תצא לאור משפט התקנה ראוי להקדים הקדמות

15 עדה'כ דברים ב', לד.

16 עדה'כ תהלים כ"א, יב; מ"ד, ד.

17 עדה'כ שופטים ז', י"ט.

17א עדה'כ שמואל ב' כ', ט"ו.

19 מליצה שאולה מהפורמולה של ביטול חמץ: חומרא'. במקום. חמירא'. כדי שלא להוציא את המלה. חרם' מפייה רגילים היו האיטלקים במאה הט"ז והי"ז לכתוב. חומרא' במקום חרם.

20 עדה'כ ישעיה כ"ב, ז.

21 קול' מליצה מ. כל'; עדה'כ תהלים מ"ט, טו; ט"ז, ג.

22 עדה'כ משלי י"ב, יח; מר-פה' מליצה מ. מרפא' נגורו.

23 מליצה רווחת או מ. בן עמרם', והשתמש בה גם ר' יחיאל מפיסא ב. מנחת קנאות'.

24 עדה'כ דברים י"ט, יד; שמואל || כ"ה, כט.

25 צריך להשלים. הדרך'.

26 עדה'כ ישעיה כ"ה, ה; ויקרא כ"ו, ו. חרם' במקום. חרב'. במקום. ושום חרם' צריך אולי להיות. ושום חרם' עפי' ישעיה כ"ה, יח.

27 עדה'כ מלכים א' ט"ו, יג.

28 עדה'כ משלי ט', י; כ"ב, כא.

29 עדה'כ ישעיה כ"ה, טז; תהלים מ"ה, ה; ישעיה מ"א, כא; בראשית י"ט, ה. גם כאן יש מליצות אחדות רווחות או בחוג בולגוייא. השווה ספורנו בהקדמתו לאור עמים' ומן הראוי לכל חולק... להשיב בלא איבה אבל בעונה צדק... להודיע קשט אמרי תורה.

עומד היום ואת אשר איננו פה<sup>5</sup> עמנו היום גר או תושב, איך הסכימו כולם יחד לארר ולקלל ולהחרים לכל מי שיביא שום מכתב אשר בתוכו תהיה אלה או נח"ש משום ב"ד מחוץ לעיר בולונייה, על שום דבר בעולם, נגד שום אחד מקהלנו, איש או אשה, מכל צד בעולם, ואפילו גזרה בעל פה, וגם כל הנטפל בדבר יהיה בכלל ארור בו חרם בו נרוי בו קללה בו אלה, אם לא ברשות והסכמת הרבנים והפרנסים הנז' וההוים בכל עת חמן שיהיה, ומלבד זה יש עונש מצד ההגמון ממאה פרחים זהב<sup>6</sup>, לכן השמרו ושמרו נפשכם מאד, ושלום וברכה על כל ישראל המקיימים גזרתם זאת, ואתם הרבקים בה' אלמקים חיים כלכם היום אמן.

ביום ה' ז' ימים לחדש כסלו שנת ער"ב נעשית זאת ההכרזה בב"ה הגדולה לפני כל ק"ק בולונייה אחר קריאת ס"ת ולזכר ועדות להסכמה הנז' ולפרסומה חתמנו שמותינו פה:

מררכי בכמ' לוי חלפן ז"ל חזן ק"ק בולונייה

יג' יעקב זי"א בכמ' צדקיה ז"ל מקסטיל דלפייבה ש"ץ ק"ק בולונייה.

גם ביום ב' י"א ימים לחדש הנז' שנת הנז' נעשית זאת ההכרזה בב"ה הגדולה לפני כל ק"ק בולונייה אחר קריאת ס"ת ולזכר ועדות להסכמה הנז' חתמנו שמותינו פה (החתומות כנ"ל)

ביום ה' י"ד ימים לחדש הנז' שנת הנז' נעשית ההכרזה בב"ה הגדולה לפני כל ק"ק בולונייה אחר קריאת ס"ת פעם שלישית. ולזכר ועדות להסכמה הנז' ולפרסומה חתמנו שמותינו פה (החתומות כנ"ל)

אחר הרבנים האלה ימים ושנים איש בא מארץ אחרת וידיו הביאו חרם סתם בעיר בולונייה, ועל פי תוקף דברי התקנה הנז' כתבו האיש ההוא עירי<sup>7</sup> ויצא משפטו מפני שופטי צדק הרבנים והפרנסים הנז' כי ישוב עמלו בראשו ובדד ישב ועל קדקדו חרמו ירד<sup>8</sup>. ועתה שמענו דבת רבים אומרים כי הנה המלכים ידרכון קסת לירות כמו אופל חקנת ישרי לב וכוננו חצם חצים שגונים<sup>11</sup> ויגשו לשבור עמודיה בריחיה ואדניה ויארבו עליה שלשה ראשים<sup>12</sup> הראש הא' נתן טעם לפגם התקנה באמרו מי נתן למשסה עם ה' וחושבי שמו<sup>13</sup> המה המורים לצדקה לקחת מידם מקל ורצועה<sup>14</sup> לבלתי הכות הנפש החוטאת ובהנחל עליון

5 עדה"כ דברים נ"א, יד.

6 =נדוי, חרם, שמתא.

7 פרח שם מטבע, חפירינו' בלעז.

8 אולי צ"ל, גזרתנו.

9 עדה"כ ירמיה כ"ב, ל.

10 עדה"כ תהלים ז', יז. חרמו' במקום, חמסור.

11 עדה"כ תהלים י"א, ב. קסת' במקום, קשת.

12 עדה"כ שופטים ט', לד.

13 עדה"כ ישעיה מ"ב, כד; מלאכי ב', טז.

14 עי' סנהדרין ז', עמ' ב': אפיקו לי... מקל ורצועה ושו פרא - לנדוי ושמתא -

## B

### תוכן החוברת ותיאורה

החוברת מכילה תקנות בולונוייא ופאדובה המכוונות להחזקתו של השלטון העצמי של הקהלות, וזה אם על-ידי הגבלת זכותם של הרבנים להתערב בכח החרם שבידם בענינים הנוגעים לאנשי קהלה שאינם כפופים להם, ואם על-ידי הטלת חומרות יתרות על מעשה הסמיכה, הנוגעת בכלל להנסמכים את הזכות להטיל חרם.

מספר הדפים שבחוברת – כ"א בגודל 4°; כ"ז שורות לע"מ; כתב איטלקי מן המאה הט"ו. החוברת מכילה את החלקים הבאים:

- א. העתקת תקנת בולונוייא מתחילת שנת רע"ב מ' כסלו – כ"ז נובמבר 1611) המטילה חרם על כל מי שיביא מרה מלווה באיום חרם מאיה ב"ד שמחוץ לבולונוייא – דף א'.
- ב. חידוש התקנה ותשובה, בעלום שם ובלי זמן, נגד חכמים אחדים שנטו לבטלה או לכל הפחות לצמצם את חוג פעולתה – דף א', עמ' ב' עד ט"ו, עמ' א'.
- ג. תקנה מתחילת שנת רצ"ז מ' חשון – א' נובמבר 1536) מכוונת נגד קלות-הדעת בנביית עדות, וקובעת במרת חרם שלא לגנות עדות אלא בב"ד של שלשה למדנים (–מוסמכים לדיינים) בני כ"ה שנה ובפני בעל הדין. חתום ר' אברהם הכהן, ומתחתיו חתומים ו' טובי העיר – דף ט"ו, עמ' ב' עד י"ז, עמ' א'. יש לשער, שגם החלק שלפני זה מיד ר' אברהם הכהן הוא ומשנת רצ"ז).

ד. הכפלה של חלק א' ותחילתו של ב', מלבד לשש החתימות האחרונות של חלק ב'. מתחת לחתימות אלו אנו קוראים: "הנני מקיים תקנת רע"ב כמשפט וכהלכה כאשר כתבתי וחתמתי מירי ממש והכל קיים ושריר. כה אמר העלוב אברהם הכהן". זה משמש מעין סמך להשערותנו הקודמת, שר' אברהם הוא ממחדשי תקנת רע"ב. – דף י"ז, עמ' ב' עד י"ט, עמ' א'.

ה. ר' אברהם הכהן מבטל חרם שהטיל הוא בעצמו, בתור ראש רבני בולונוייא, על אלייא פיננו מעיר פירארה. חזר הוא מהוראתו ומבטל דעתו מפני דעת רבים החולקים עליו. חתומים: ר' אברהם הכהן החותם ע"י בנו ר' משה הכהן, ור' יצחק בכמ"ר יוסף ממונצילצי. שנת ש"ח (נ' לחורש אב – י"א יולי 1548). – דף י"ט, עמ' ב'.

- ו. שתי תקנות של המהר"ם מפאדובה: (1) שלא להשיב על שאלות דיני ממונות הבאות מן החוץ אלא בתנאים מיוחדים; (2) החמרת הפרוצידורה של הסמיכה. – כ', עמ' ב' עד כ"א, עמ' א'. עם כאן חסרה השנה, אבל קרובה ההשערה, שנחקנו בשנת ש"י בערך).
- ז. טופס מכתב משפחתי בלע"ז איטלקי, כתוב בכ"ח למאי 1561, שלוח מירידיה חוק מפירארה לדורו פרחיה (?) חוק (Florio di Forti) אשר במאסה.

### בהג' א

מודעת זאת היות<sup>2</sup> בעיר ה' צבאות עיר בולונוייא תקנה נחקנה זה כמה שנים בהתאסף ראשי עם יחד והמלכים אשר מלכו בימים ההם ובעת ההיא<sup>3</sup> יובאו על החותמות. ואלה הדברים אשר דבר הש"ץ אל כל העם ביום הקהל<sup>4</sup> מצד מעלת הויבנים והפרנסים להוי ידוע לכל בר ישראל את אשר ישנו פה עמנו

1 = בעזרת ה' נעשה ונצליח אמן.

2 ההתחלה הזאת הייתה או פורמולה מקובלת; גם ר' עובדיה מספורנו מתחיל את המבוא לאור עמים' באופן זה: מודעת זאת בנסיון... היות כל אדם...

3 ברמו על המאמר. מאן מלכי רבנן, והכונה במעמד הפרנסים והרבנים.

4 ערה"כ דברים ט', י – והכונה לימי קריאת התורה, היינו בה"ב.



של בן רש"ד; שיטה זו היתה רווחת אז בין המעולים שהורו באוניברסיטה בפאדובה ובבולוניא. מתנגדי אריסטו מסוגו של לאורניציוס וואלה, שהתקיפו את תורת ההגיון שלו, ואת ההיקש, המושל בכיפה בעולם המחשבה, הורידו מכסאו ובמקומו הושיבו את הריטוריקה רחבת התנועה. מקומם של אלה לרוב מחוץ לכותלי בתי המדרש ובהאקדמיות הצעירות, שצצו אז בחצרות השרים של המדינות הקטנות באיטליה, ורומה בכלל, שהמסורה האריסטוטלית טרם הכתה בהן שורשים עמוקים.

וכנגדן אתה מוצא שלש מידות בשאלות ותשובות של חכמי ישראל באיטליה בתקופת הריניסנס: מחשבה מופשטת, מקופלת בתוך כותלי בית המדרש, שאין בה אלא המשך משיטת הלימוד של האשכנזים בימי הביניים. מטפלים בה לרוב רבנים שבאו מאשכנז וקבעו את מושבם באיטליה הצפונית במאה הט"ו. בא כוחם הכי חשוב והכי בולט הוא ר' יהודה מינץ וישיבתו בפאדובה. חוסר המעוף וההקפא במחשבתם וההתרשלות בהרצאתם-קיום משותפים הם להם ולהאריסטוטלאים האדוקים. מידה אחרת לשו"ת, שבהן הריטוריקה פורשת וילון על פני הדברים ודוחקת את רגלי המחשבה הקפדנית, שדרכה לגדור גדרים ולקשרם בהקשיה. מחבריהן הם בעיקר רבנים צרפתים ממחוז אביניון שקבעו את מושבם באיטליה התיכונית-ממנטובה לדרום-ואשר ברובם המכריע יצאו מבית מדרשו של המהרי"ק, ואשר הרבה מהם גם התייחסו על משפחתו, משפחת טרבוט. בתשובות המהרי"ק עצמו כבר מתגלים הניצנים הראשונים של צעצועי המליצה; אולם אצלו אין הצעצועים האלה אלא פרפראות קלות שלפני השקלא וטריא ושל אחריה. אצל קרובו מיוצאי חלציו, ר' עזריאל דאינה, יש שהריטוריקה חודרת לתוך המשא ומתן של ההלכה, וביותר גבר אגרופה של הריטוריקה בתשובותיהם של הרבנים והמלמדים בחצרות אצילי הקהילות, מסוגו של ר' יוסף מארלי וסיעתו, שהתגוררו בערי ה"למרקא" השונות. בחיבתם לטייל ארוכות וקצרות בשדה הריטוריקה-אחים הם למתנגדי אריסטו' וחסידיו ציצירו באומות העולם.

ואולם תשובת ההגנה של ר' אברהם הכהן מידה אחרת לה. היסוד הריטורי טפל בה והוא מהווה רק מסגרת כל שהיא לעיקר הבידור ההלכתי. אבל ביחד עם זה רחוקה דרכו מרחק רב מן המחשבה הזעירה והאטומה ללא פיתוח ניכר של האשכנזים. כי לפנינו מבנה דידוקטיבי מוזק ומצורף, המתקרב לדרך הרצאתם של האריסטוטלאים הנאורים מן המעולים שהורו באוניברסיטה שבפדובה ובבולוניא. פותח הוא ר' אברהם הכהן בשורה של "הקדמות", ערוכות בטעם ובסדר, ואחר כך הוא הולך ואורג מטה של הקשים, ומסיק את מסקנותיו בצורה ברורה ושקופה. מי שנותן את דעתו על מבנה תשובתו של ר' אברהם הכהן והלך מחשבתה, בהכרח שיעלה על זכרונו את ספר "אור עמים" של ר' עובדיה מספורנו, חבירו של ר' אברהם ברבנות, שנרפס ממש באותה השנה, שנת רצ"ז, בבולוניא. גם ספורנו מתאמץ להכניס את מחשבותיו ברשת של הקדמות ותולדות על"פי השיטה הרווחת אז בחוגים ידועים של מעריצי בן רש"ד. דרך המחשבה של שני הרבנים מבולוניא בראשית המאה הט"ו חדורה רוח האריסטוטליות המזוקקת, שהיתה שולטת אז בהאניברסיטה בבולוניא, "עיר ואם החכמות", כפי שנקראת אצל ר' יוחנן טריויש.



ו"שמעון". אולם טול מהן את החומר הזה, מיד מאבדות התשובות הללו את ערכן המיוחד ואופיין בעיני חוקרינו; העוסקים בהן ימנו למבלי עולם, המטפלים בעניינים מופשטים נטולי חיים. ההערכה הזאת מיוסדת על ההנחה, שאם נתקלים בניצוצות הרניסנס בחיי היהודים באיטליה, הרי זה סימן ליכולת קליטתם, או יותר טוב שאיבתם, מן הסביבה. לאמר: שרק בשטחי חיים שאנו מוצאים דוגמתם אצל אומות העולם, יכולים אנו למצוא הד הרניסנס גם בין היהודים, אבל במשא ומתן של הלכה אין בין תשובות רבני איטליה ותשובותיהם של שאר הרבנים ולא כלום. ההנחה הזאת מוטעת ביסודה, כי מכניסה היא שניות שלא היתה במציאות בחיי היהודים האיטלקים בחקופת הרניסנס. שכן לא דרך צינור מיוחד ולא רק בתוך חוגי חיים מוגבלים זרם רוח הרניסנס בשכבות המלומדים של יהודי איטליה של המאה הט"ו והט"ז, אלא הקיף אותן מבחוץ ומבפנים באותה המידה שחדר לתוך השיכבות הגבוהות האיטלקיות, ועל כן "לית אתר פנוי מיניה", וחותמו טבוע גם על השו"ת. אחד היסודות של הרניסנס הוא, כידוע, ההתקוממות למסורה והסרת כבליה. ושתי פנים להתקוממות זו: התקוממות למסורת הכנסיה של ימי הבינים, המבטלת את אישיותו של הפרט ומסגירה אותו לרשותה של הכנסיה הכוללת המופשטת-בעולם המעשה; וכנגדה התקוממות למסורת אריסטו מבית מדרשה של האסכולה, המשעבדת את הדברים הפרטיים המוחשים ל"מאמרות", למושגים כלליים, לצורות נבדלות-בעולם המחשבה.

והנה למעלה העירונו, שבמלחמתו של ר' אברהם הכהן לחיזוק סמכותה של הקהילה ואורגניה נגד התקפותיהם של הרבנים הנודדים, באי כח הרניסנס, יש רמז למלחמת מנן לסגנון חיים, ששורשיו נעוצים בשיעבוד הפרט אל הכלל בעולם המעשה. ולא נתפלא איפוא אם גם בעולם המחשבה נמצא את ר' אברהם הכהן כשנעזר עומד בתחום המחשבה של אריסטו ורק גופו נוטה לחוץ.

ההתקוממות לאריסטו מתחילה אמנם בקציצת נטיעותיפרא שהוסיפה האסכולה על תורתו, מפני שהללו פגעו קשה בטעמם היפה של ההומניסטים, והכרח יוצא שנחוץ להסיר מאריסטו את סיגי הברבריות של האסכולה ולהעמידו על מקורו. אולם לאמיתו של דבר הסתתר מתחת להניגוד הפורמלי הזה ניגוד עמוק, שנגע בשרשי המחשבה. האסכולה קיבלה מאריסטו בעיקר את תורתו בהגיון, וביחוד את תורת ההיקש, שהרחיבה ופיתחה לכל דקדוקיה ופרטיה. וההיקש הרי הוא הביטוי הקלסי של המחשבה הדידוקטיבית, המבקשת את הפרטי בתוך הכללי, שכן הכללי הוא האב והפרטי היא ה"תולדה". שאיפתו של הרניסנס להשיב להפרט את ישותו ועצמותו ולשחררו מעול הכללי המופשט-יורה איפוא כרוכה עם סייף נגד המחשבה הדידוקטיבית בכלל ונגד ההפרזה המופשטת של האסכולה בפרט.

שלוש מידות בחכמי הרניסנס ביחס להאריסטוטיליות: אריסטוטיליאזם אדוקים, משירידי האסכולה של ימי הביניים עם כל הברבריות שבהוצאתם; מקום חיותם הם כותלי האוניברסיטאות בעלות מסורה ארוכה של הערצה לאריסטו. אריסטוטיליאזם נאורים, שהציצו בתנועת ההומניות ונפגעו, נערו מעליהם את אבק האסכולה וחידשו נעוריו של אריסטו בגלות בו פנים חדשות מתוך האספקלריה

10. יצחק בכמ"ר יוסף ממונציליצי (da Monselice). חברו של ר' אברהם הכהן ברבנות בשנת ש"ח, אבל צעיר ממנו בהרבה, שכן אנו מוצאים את חתימתו של מונציליצי על תשובה א' משנת של"ג, ו"א כעשרים וחמש שנה אח"כ, בפירארה (השווה ל'מפרוטי', פחד יצחק, ערך חליצה, תנ"י עמ' 125; מורטארה, מוכרת ח"א). כמו רוב הרבנים מבולוניה נודד גם הוא מנצח לפירארה בזמן גירוש היהודים ממדינת האפיפיור בשנת שכ"ט. בין השותפים בדפוס העברי בבולוניה נמצא גם דן אריה בכמ"ר שלמה חיים ממונציליצי (קמחא דאבישונא).

11. מאיר מפאדובה. הוא מהר"ם מפאדובה המפורסם, ואין לנו להוסיף כעת על הידוע, אלא שרשימת תקנותיו בחוברת, שכל עיקרה לא באה אלא לרשום תקנות בולוניה, מאשרת את העובדה שיכלנו לקבוע במקום אחר, היינו שמצודתו היתה פרושה על כל הקהילות שבצפון איטליה.

12. מרדכי בר' לוי חלפן. לבב"ר, סופר מעתיק. כנראה, בא לבולוניה מפירארה—כמו ר' אברהם הכהן, לפי השערתנו—כי בפירארה גמר כ"ב באייר רל"ז את כתה"י מספר 376 שבספרית בודליאן אוכספורד בעד ר' נח בכ"מ עמנואל מנורצי (ע"י נויבארקו"ל, רשימת כתה"י העבריים שבספרית בודליאן). וגם אביו ר' לוי חלפן היה, כנראה, סופר מעתיק, ויש לזהותו עם ר' לוי בר' אהרן חלפן, שנזכר בשנת קצ"ו את כתה"י, 'שבלי הלכ"ט' שבספרית בודליאן, מספר 638 (נויבארקו"ל, שם). סופר מעתיק אחר ממשפחת חלפן שבאותה התקופה גליתי בתוך כתה"י העבריים שבספריה שעלי"ד הסמינריון ההגמוני (Seminario Vescovile) שבפדובה. בכת"י נהדר של חמשה חומשי תורה עם תרגום אונקלוס ופירוש, חמש מגילות והפטורות, אנו קוראים בסוף את הקולופון הבא: 'ותשלם מלאכת עבודת הקדש חומש פירוש ותרגום והפטורות וחמש מגילות בנקודיו וטעמיו אשר כתבתי אל הנדיב גברי המפואר כמ"ר פנחס יקר זי"א בן האביר עטרת הרופאים כמ"ר יצחק יקר זלה"ה<sup>35</sup> היתה השלמתו פה איזולא (Isola della Scala בקרבת וירונה ע"י אריה בכ"מ אליעזר חלפן זלה"ה בששי בשבת בששה ועשרים יום לחדש כסלו שנת חמשת אלפים ומאתים וחמשים לבריאת העולם. ה' יזכהו לקרות בו הוא חרעו וכו"'.<sup>36</sup>

### פרק ד – דרך המחשבה של ר' אברהם הכהן

הכל מודים, שמעלה יתירה נודעת להן לשו"ת של רבני איטליה שמתקופת הרינסנס בשל החומר ההיסטורי השקוע בהן. בניגוד לקובצי תשובות אחרים, שהחומר ההיסטורי-העובדות ואנשים-נבלע בהן בנעימה, יש בתשובותיהם של רבני איטליה שמאותו הזמן הרצאה חייה של המאורעות נושאי הדיון ההלכתי, וגם האנשים הפועלים נקובים בשמותיהם ואינם מסתתרים תחת מסוה של 'ראובן'.

35 קרובה ההשערה, שר' יוסף יקר, חתנו של המדפיס ר' חיים שחור ושותפו בדפוס אוגסבורג, הוא ממספחה זו והיה איפוא מיוצאי איטליה. וכדאי להעיר, שהרבה מן המדפיסים העבריים שבגרמניה ופולין באו מאיטליה (משפחת ב"ק, פרוסטיץ, פיהם וכדומה).

בהזדמנות אחרת. כאן נעיר רק, כי מה שמסופר ב"פסקים" על שליחו של פינצי שבא לפירארה, לאחר שהתקוטט עם בני סיעתו של נורצי, ופחד ללכת, במחנה היהודי-הכונה לאכסניה היהודית ולא לשכונה היהודית<sup>33</sup>. דוד הראובני בספרו (נייביר עמ' 166) מספר: "והיה הולך לאכול במחנה" בפירנצי. והשווה ספרו של הנוסע האלמוני משנת רנ"ה: "היום יום ו' בבוקר ערב ר"ה הגענו בדמשק שלמים ושקטים... ובכל המקומות הנו' אין איש יעשה מחנה כאשר בארצנו לתת לחם לאוכל<sup>34</sup>". בין המצבות מבולונוייא נזכרת מצבת הבחור מנחם בן אברהם מוניטורא משנת 1555 (המוכר, XIX, עמ' 56).

8. יצחק בכמהר"ר מרדכי ממודינא. אביו של ר' יהודה אריה ממודינא. חתימתו. הצעיר מכולם" צריך להבין פשוטה כמשמעה, כלומר, שהוא היה הצעיר בימים מכולם, כי באמת היה אז צעיר לימים מאד, קרוב לבן י"ח ולא יותר. שכן יודעים אנו שנפטר כ"ה כסלו שנ"ב, בן שבעים ושנים" (ברלינר, לוחות אבנים, מספר 184); הרי שנולד בשנת ר"פ, ובשנת רצ"ו איפוא היה כבן י"ח. כדאי לציין, שבאותו הזמן אנו מוצאים בבולונוייא את מנחם בכמ"ר אברהם ממודינא, אחד השותפים בדפוס העברי (קמחא דאבישונא, בהקדמה), ואת "שמואל בר' רפאל ממודינא" (מארכס-פסקים, הע' 26).

9. יעקב בר' אברהם מספורנו זל"ה. בהשקפה ראשונה חשבתי לזהותו עם אביו של ר' עובדיה מספורנו, שאף הוא נקרא בשם "יעקב". אבל חזרתי בי מהשערה זו, שהרי ב"אור עמים" לר' עובדיה שנדפס בבולונוייא בשנת רצ"ו הוא כותב: "נאם הצעיר עובדיה יצ"ו בכמא"ר יעקב ספורנו זל"ה", ויוצא איפוא שאביו של ר' עובדיה לא היה בחיים בשנת רצ"ו. יותר נכון יהיה לזהות את ר' יעקב שלנו עם ר' יעקב ספורנו, אשר ר' עזריאל דאיינה הטיל עליו חרם בשל דין ודברים עם אחיו ר' דוד מספורנו, ואח"כ הוא עצמו ביטל את החרם לרגלי מחאת רבני איטליה. והוא, כנראה, גם "החכם הזקן בקי בחכמה ובעושר וכבוד זקן ונשוא פנים רבי יעקב די שפורנו" שר' שלמה עתה הנ"ל מונה בין רבני בולונוייא (עי' נספחות). משפחת ספורנו היתה נפוצה אז בבולונוייא. ב"פסקים" נזכר ר' אלחנן ספורנו חון בבולונוייא (מארכס הע' 28), וגם ראובן בן שלמה ספורנו, סרסורו של פינצי (שם, הע' 13) ובמאה הקודמת נזכר במהר"ק איזה ר' יעקב דספורנו כמורשה מר' שלמה בכ"מ ליאון חסדא, שהעתיק דירתו ממנוטובה לבולונוייא.

33 מארכס-פסקים, עמ' ז הע' 24a.

34 מסעות אלמוני משנת רנ"ה; שנתפרסמו בראשונה על ידי נויבאור ב"יאהרבוך" לתולדות היהודים והיהדות, כרך ג', עמ' 276 וכו'. בפקס הקהילה מווירנה משנת ש' נמצאת "השוואה" (=הסכם) עם כמ' אשר בר' אלכסנדר שיבא לדוד בוויורנה ויהיה, כע"ל מחנה לכל החיצונים הבאים לדון בביתו. ועי' קאסוטו בספרו הנ"ל עמ' 422 שמפרסם פארווייה של כתב הזמנה לדון, ובין החתומים: שמואל גאליקו אח לבעל המחנה.

הסמ"ג, הסמ"ק והגהותיו, ומי רואה את אלה ארבעה צרפתים יוצאים להחמיר ולא יצא כנגדם, ובפרט אנחנו יוצאי יחסיהם שראוי לנו לכבדם ולא לסתור דבריהם במותם כמו בחייהם". דאינה מוסר לנו כאן מפתח לפתרון העובדה שהבליט הרב אסף, והוא שבהוראותיו ממעט הוא להביא את הרמב"ם והטור ומסתמך בעיקר על רש"י, הסמ"ג והמרדכי.

4. אליעזר בכמ"ר משלם מקמורו (da Camaiore). בפסקים"אנו מוצאים אותו ממלא תפקיד דיין בבולוניה בשנות רע"ח-רע"ט, ועומד לימינו של פינצי (מארכס, הע' 26).

5. מהטוב (del Bene), האחים דוד ויעקב בני כמ"ר שמואל מהטוב. משפחת מהטוב, כנראה בנקרים, היתה נפוצה אז בבולוניה; ר' יוחנן טרייז, בעל "קמחא דאבושנא", כתב קינה על מותו של איזה יעקב מהטוב,<sup>31</sup> וקרוב לשער שהוא ר' יעקב מהטוב שבתעודתנו. מלבד זה חי באותו הזמן ר' מנחם מהטוב, שאליז ערוכה תשובת ר' עזריאל דאינה, סי' קס"ח הדנה בענין תקנת בולוניה משנת רע"ב, שאנו מדפיסים בנספחות.

6. יעקב בכמ"ר צדקיה מקסטל דלפייבא (della Pieve). בפסקים"מובאה מודעא עשויה בבולוניה ב"ו אדר רס"ז, ועליה חתום בתור עד "יהודה בר' צדקיה . . ." (מארכס, הע' 17). מכיון שהשם "צדקיה" בלתי שכיח קרוב לשער שיש לנו ענין עם אה של ר' יעקב שלנו. בין ארבעת משרתיו של ר' עמנואל גורצי מפירארה אנו מוצאים אחד בשם, משה דלפייבא, שכנראה שייך ג"כ לאותה המשפחה (מארכס, הע' 22).

7. יצחק בכמ"ר מנחם מוינטורה (da Ventura). וינטורה היא אחת המשפחות העתיקות שבבולוניה; כבר בתחלת המאה ה"ו (1418-1419) אנו מוצאים בבולוניה "אכסניית וינטורה היהודי" (hospitium Venture hebrei) שתשעה מן היהודים הזרים התאכסנו בה.<sup>32</sup> בסוף המאה ה"ו (1488) בא להשתקע בבולוניה מאיר (?) בן הרב וינטורה (Mayetus magistri Ventura hebreus). ומאחר שהזכרנו את "אכסנית וינטורה היהודי", נעיר כאן על עובדה אחת, שאינה ידועה למדי לחוקרים, והיא: כשם שויניציאה היתה הראשונה שדאגה להקלית סחר החוץ ע"י יסוד אכסניאות לזרים ופונדקאות (fondachì), כן גם דאגו הקהילות שתחת השררה שבוניציאה לקיומה של אכסניה יהודית, שנקראה בשם "מחנה", ולרוב החכירו את זכות החזקת ה"מחנה" לאנשים מסוימים, שנקראו בשם "בעלי מחנה". על המוסד הזה נדבר בפרוטרוט

<sup>31</sup> עי' גויבאר-קוילי, רשימת כהני העבריים בספריית בודליאן באכספורד. . .

<sup>32</sup> עי' מאמרו של לוינשטיין בס' השנה של ביהמ"ד לרבנים ברומה הנו' למעלה הע' א' וביחוד עמ' 166.

ותפארתם, מאשר בספר חסידים. וגם המפתחות הארוכים שבפסקי ריקנאטי, שנדפסו בבולוניה, נושאים עליהם חותמו של ר' אברהם הכהן ושונים הם בלשונם ובסדרם מן המפתחות שאנו מוצאים בכתבייד.<sup>26</sup>

2. אלחנן בכ"מ אברהם זל"ה מ פאנו. בין הבנקירים שקבלו זכות לפתוח בנק בפרינצי בשנת 1514 אנו מוצאים: Angelo Abraham de fano. בדודם של שני הבנקירים הראשיים, האחים יצחק ויעקב בני מנחם מפאנו.<sup>27</sup> בתקופה שאנו עומדים בה אנו מוצאים את אלה האחרונים בבולוניה ובפירארה, וקרוב לדואי שאלחנן שלנו אינו אלא Angelo, בן אברהם, שגם הוא העתיק את דירתו לבולוניה אחר גירוש פרינצי בשנת רפ"ז.<sup>28</sup> קאסוטו<sup>29</sup> קובע את השם „מרדכי” כמקביל ל־Angelo, אבל אנו מוצאים, כי ר' יוחנן אלטריו מכוה באיטלקית Angelo heb[re]o<sup>30</sup>, ו„אלחנן” הלא נדרף ל־„יוחנן”.

3. אליה פיונו.<sup>30</sup> נזכר בשו"ת ר' עזריאל דאינה (כת"י) סי' ק"ז משנת רע"ו, ומשם אנו למדים שהיה צרפתי: „תורה היא וללמוד אני צריך”; כותב דאינה, „לכן בין שורתים אזהיר על אשר שמעה אזני ותבן לה כי כמ"ר אליה פיונו זי"א אבל אב קודר הלך שמה מנטובה וכמ"ר סדר אליו הקריעה שלא יקרע חלוקו . . . ופליאה נשגבה ממני לא אוכל לה בהיות כ"ת צרפתי: והאבל גם הוא צרפתי איך הנחתם דעת רבותינו הצרפתים . . . מביא דעת רש"י,

<sup>26</sup> בספר חסידים שנדפס בבולוניה רצ"ח אומר ר' אברהם הכהן בפירוש, שהמפתחות מעשה ידיו הם. בנוגע לפסקי ריקנאטי, שנדפסו ג"כ שם בשנת רצ"ח, יכולתי לקבוע שהמפתחות הנדפסים שונים, במספר ובסדר, מן המפתחות שבכתבי יד שונים של הספר הזה, וכי המפתחות הנדפסים דומים להמפתחות שבספר החסידים. והוא הדין בנוגע להמפתחות הכפולים בשו"ת הרשב"א שנדפסו שם בשנת רצ"ט. וכאן המקום להעיר, שבולמוס המפתחות אחזה אז בתחילת המאה ה'ט"ז את כל המדפיסים המפורסמים שבאיטליה – מעין בית אלדו בוניציאה – והעסיקו בזה הרבה מלומדים ממדרגה הראשונה. ולא נתפלא, אם גם המדפיסים היהודים הלכו בדרכם והומינו מפתחות אצל גדולי הרבנים.

<sup>27</sup> עי' קאסוטו בספרו, היהודים בפרינצי (Cassuto U. Gli Ebrei a Firenze, 1918) עמ' 383, תעודה כ"ד.

<sup>28</sup> ולדעתי הוא, מיסיר אנגיל די פאנו שר' שלמה עתיה במקום הנז' מונה בין האנשים הגדולים, שמצא בבולוניה. אחר שכתבתי זאת מצאתי אישור לדברי בדברי ר' יוחנן טריוש בהקדמתו להלכות שו"ב לבעל המרדכי, וינ' ש'י בערך: „אל המשיכ. . . כמ"ר יצחק יצ"ו בן השוע גדול שמו בישראל . . . הקצין כמ"ר אלחנן יע"ל המוכתר בשמו מיסיר אניילו מפאנו י"ץ פנה זיוו והדרו בקרית בולוניה עיר ואם החכמות”.

<sup>29</sup> בספרו הנ"ל עמ' 239. על סמך זה כותב הוא למשל בשלשלת היוחסין של משפחת קאמיריו עמ' 260 תמיד את השם מרדכי במקום אנגילו שבמקורות הנוצרים. אולם לדעתי ברוב המקרים, כשאין לנו בפירוש ההקבלה של מרדכי, עלינו לבכר את ההקבלה של „אלחנן”.<sup>29a</sup> השווה הספר ברכי נפשי לר' יוחנן אלטריו L'Anglica Tromba, de M. Angelo

Hebreo Alatrini. In Ven. 1628. עי' רמ"ש, רשימ' בודליין מספר 5826.<sup>30</sup> השם בלועזית בלתי ברור. מרטארה, תנ"י עמ' 48, משער את הטרנסקריפציה Peglione ומביא איזה ר' יעקב רפאל בן יחיאל חיים פיונו שחי בבולוניה בתחילת המאה ה'ט"ז.

שהוא יושב בעיר זו כחמשעשרה שנה<sup>22</sup>—ובה נשאר עד יום מותו. על יסוד חליפת המכתבים שגילה לאב<sup>23</sup> נחשבה שנת ש"ה, הנזכרת באחד המכתבים, לסימן האחרון של חייו. על סמך תעודתו שלנו עלינו להעתיק גבול זה למעלה עד לשנת ש"ח. ואמנם מאותה התעודה עצמה שכתב, או יותר נכון שהכתב, בשנת ש"ח יוצא, שהרגיש אז כי קרוב יומו ורצה לבטל, בשעת מיתתו את דעתו מפני דעת חבריו, ובודאי מתוך זקנותו וחולשתו אין הוא חותם בעצמו כי אם מחתים ע"י בנו. קרובה איפוא ההשערה, שזמן פטירתו חל בשנת ש"ח—ש"ט.

גם זמן לידתו ניתן לקבוע בערך רק בהשערה. עובדה היא, שעם בואו לאיטליה היה כבר גדול בשנים ובחכמה, שהרי חכמי זמנו קוראים אותו, אם לגנאי ואם לשבח, בשם, הספרדי<sup>24</sup>, וחברו ברבנות משנת רע"ט, ר' יהושע בר' יוסף שאלתיאל, מעיד עליו. שהתאבק בעפר רגליהם של גדולי הספרדים וקיבל מהם את רוב תורתו. מסתבר, שהיה למעלה מעשרים בזמן גירוש ספרד (רנ"ב), ונמצא שנולד בשנת ר"ד בערך. בשנת ש"ח היה איפוא כבן ע"ח. על מקום ישיבתו באיטליה בשנים רנ"ג—רס"ד אין לנו שום ידיעה ברורה. אולם דעתי נוטה, שמשפחת אברהם הכהן נכללה בין כ"א המשפחות הספרדיות שהגישו בקשה להדוכס מפירארה, הירקולו הראשון, להרשות להן את הישיבה בפירארה, והלה נענה לבקשתן בכתב פריביליגיון מא' פברואר רנ"ג.<sup>25</sup> ובאמת אנו מוצאים בין שמות המשפחות הנמנים ברשיון שני, אברהם הכהן וקרוב לודאי, שאחד מהם הוא ר' אברהם הכהן שלנו. ההשערה הזאת מתאשרת ג"כ ע"י העובדה שקבענו, כי השיירות בין פירארה ובולוניה היו מצויות למאד, וכי כמעט כל הרבנים שנורשו מבולוניה בשנת ש"ט נדדו לפירארה. ומתקבל על הדעת, שמקודם הרבו לבוא מפירארה לבולוניה. השתתפותו של ר' אברהם הכהן בדפוס העברי בבולוניה, שפרח בשנות רצ"ז—ש"א, גדולה היא מכפי שרגילים לחשוב. בפירוש נאמרה השתתפותו בעריכת, ספר החסידים<sup>26</sup>, ובעיקר בהמפתחות שהוסיף להספר. אולם יש סימנים מוכיחים, שגם שו"ת הרשב"א נערכו על ידו, והמפתחות המפורטים שנספחו לספר, מעשי ידיהם. והדעת נותנת, שמצא ענין יותר בתשובותיו של הרשב"א, גאון הספרדים

<sup>22</sup> על ר' אברהם הכהן עי' מארכס־פסקים, עמ' 24—25. ר' שלמה עתייה בהקדמתו לפי' תהלים שנדפס בוויניציה ש"ט, כותב: ובולוניה מצאתי רבנים הרבה (והשווה מארכס־פסקים, הע' 18—20) ... ובפרט הרב הכהן הגדול החכם ר' אברהם הכהן בקי גדול. ובאמת התואר, בקי גדול הולם אותו, כי בתשובותיו הוא מצטיין ביחוד בגדול בקיאותו בתלמוד.

<sup>23</sup> בספרו: יוסף הכהן וכתובי דברי הימים העבריים, פאריס 1888.

<sup>24</sup> מארכס־פסקים במקום הנ"ל.

<sup>25</sup> שתי המשפחות שנקראו בשם כהן הן: דון אברהם כהן (הקריאה כאן בלתי ברורה) ומשפחתו דון יעקב (?) כהן, דון אברהם כהן ונשותיהם הנמצאות בפירארה (Don Abraham cohen mercandante & sua famiglia. Don Zachoen, Don Abraham choen & le sue done ch. sono in ferrara). כתב הפריביליגיון נחפרס על ידי יונה ב, השקפה הצרפתית XV, 117. ואני מצטט מתוך האוריינאל שהיה לפני עיני. אם נכונה השערת זאת, יצא מזה, שר' אברהם הכהן היה כבר נשוי כשהגיע מספרד לאיטליה, ותתאשר, איפוא, השערותנו, שהיה למעלה מעשרים כשנורש מספרד.



ביניהם. וכשם שראינו בהתקנה הקודמת איך הרבנים הקבועים הולכים ומוסיפים סייג על גבי סייג כדי לגדור את הפירצה שנעשתה בחומות הקהילות על ידי הפסקים מרבני חוץ שהסתמכו בהם הרבנים הנודדים נגד ה,מארה דאתרא", כך אנו רואים אותם הרבנים עצמם הולכים ומרבים חומרות בהלכות סמיכה. מהר"ם מפדובה בתקנתו מסתפק בדרישה, שהסמיכה תהיה על ידי שלשה רבנים מוסמכים, ואילו בנו ר' שמואל יהודה קאצינילנבון בכתב הפולמוס נגד ר' אברהם מריוקו-בכת"י שבידינו-מעמיד את התביעה, שלכל הפחות אחד מן המסמכים יהיה נמנה על הגאונים היותר זקנים שבדור, ואלה דבריו המעניינים: „ולא עוד", הוא אומר על מריוקו, „אלא דאשחמש בתנא בכל מקום שחלף ועבר עשה אלקי כסף ואלקי זהב ליתן מהודו הנתון כנגד המשחיתים על כל איש ואיש כפי העולה על רוחו בין ראוי בין שאינו ראוי, ומה סמיכה? תיכף לסמיכה סחיטה<sup>20</sup> ומין אפים להוציא ריב וקטטה בעולם, ולכן ראוי לגדור גדר . . . (ולבטל את סמיכתו) ולכלול כל הנסמכים ממנו לא יהיה שלשה בר ממנו, שסמיכת זקנים בשלשה, ומן השלשה הכי נכבד יהיה נמנה בהם אחד מהגאונים היותר זקנים שבדור, כגון בזמן הזה או עמרת ראשו הגאון אבא מארי יצ"ו שבפדובה או הגאון כמהר"ר עזריאל טרבוטי יצ"ו שבאסקולי או הגאון כמהר"ר ברוך חזק יצ"ו שבפירארה, וכן בכל דור ודור, פן יפרצו פרץ על פני פרץ שועלים אלה המחבלים כרם ה' צבאות . . . וכוה לא יפרח עוד מטה השחץ ושבט הרשע, נשבית מלחמות ומחלוקות עד קצה הארץ וכל עם ישראל יהיה שוקט ובוטח". בסוף המאה ה-17 אנו מוצאים בוירונוה, שבמידה ידועה היתה מצודתה של פדובה פרושה עליה, תקנה שיש בה משום סייג חדש במעשה הסמיכה, והוא שאין בני וירונוה יכולים לקבל סמיכת רב אלא מחכמי העיר הנסמכים, וסמיכת חוץ אינה סמיכה.<sup>21</sup>

## פרק ג- דברים אחדים על האישיות הנזכרות בחוברת

1. אברהם. הכהן, רב בבולונוי (ר"ל-ש"ט בערך). ידיעותינו המעטות על חיי הרב הזה נתעשרו בזמן האחרון הודות למאמרו החשוב של מארכס, שהושיט להחוקרים את היסודות ההיסטוריים והביוגרפיים, השקועים ב,פסקים" שנדפסו בשנת רע"ט מסביב למחלוקת נורציפינצי, ואנו מסכמים כאן את הפרטים האלה ומוסיפים עליהם נופך: מתוך עדותו ועדות בני זמנו של ר' אברהם אנו יודעים, שמצאו מספרד ומשם הוא בא לאיטליה עם הגולה של שנת רנ"ב. בשנת רס"ד בערך קבע את מושבו בבולונוי-שכן בשנת רע"ט הוא כותב,

<sup>20</sup> על פי אבות פ"א, משנה י"ג; סנהדרין ז', ע"ב; ברכות י"א, ע"א; ביצה כ', ע"א-ע"ב. כדאי להעיר, שבניגוד למליצתם של דאינה הצרפתי ושל ר' אברהם הכהן הספרדי, שהיא ברובה מקראית, מכריעה אצל קאצינילנבון האשכנזי המליצה התלמודית.

<sup>21</sup> כל זה ביארנו במאמרו. אבני בנין לתולדות היהודים בוירונוה, ב, ירושלים תרצ"ט-ת"ש.



כרצון איש ואיש כל הבא למלאות את ידו ואת הישרים יעקשו, וראוי לגמור ולמור שכר רב דאזיל בתר שמא ולא בתר טעמא וחשוד אממונא, לא יכתוב פסק ולא ידון אפילו מרצון שני החלקים, ואוי להם לאשר כבר קבלו עליהם ולא קיימו".

4.

כל התקנות האלו ניסו לרפא את תופעות המחלה, שרבנים „מוסמכים" בלתי הגונים היו מתערבים בעניני קהילה אחרת ולשם כך השתמשו בנשק החרם שהסמיכה הושיטה לידם. כדי לעקור את המחלה הזאת משרשה נחוץ היה להנהיג תיקונים בעצם הסמיכה, שנשק החרם הכרוך בה לא יפול לידי אנשים שהיו משתמשים בה מחוץ לשורת הדין. ולכך מכוונת התקנה השניה של מהר"ם מפאדובה על הסמיכה. ענין הסמיכה בתחילת המאה הט"ז באיטליה נעשה לדבר שבמסחר, שהטיל את צילו על חיי הקהילות; היה בזה מעין מכת הסימוניה שהיתה מתהלכת אז בחצר הכנסייה שברומה והתישה את כוחה<sup>17</sup>. בשנת רע"ט במחלוקת נורציפינצי הנז' מאשים ר' אברהם מינץ את מתנגדו ר' בענדיט אכסילדאר שנהג קלות דעת בעצמו לסמוך אנשים שאין עטרת הרבנות הולמתם, והלזה מתנצל, שנשען בסמיכתו על אחרים (פסקים, מארכס עמ' 22–23). בשנת רצ"ד פנה ר' עזריאל דאיינה, עמוד הרבנות האיטלקית שמאותו הזמן, בכרוז חוזר לקהילות איטליה, שבו הוא מבליט את הקלקולים בסדרי הסמיכה השוררים ואת התקלות הכרוכות בהן, ומציע סדרים חדשים בסמיכה, אשר בהם כלולה כבר תקנת מהר"ם מפדובה שלנו<sup>18</sup>. הביטוי המובהק של המצב הפרוע הזה היא התופעה המצויה של הסרת תואר הרבנות בתקופה ההיא וריבוי כתבי הפולמוס העוסקים בשאלה זו. על המקרים של הסרת תואר רב או חבר המצויינים על ידי הרב אסף, בידינו להוסיף מקרה אחד בלתי ידוע לחוקרים, והוא שגם על סמיכתו של ר' אברהם מרויקו יצאו עוררים, ובנו של מהר"ם מפדובה, ר' שמואל יהודה קאצינילנבון, הסיר ממנו את תואר „רבניו"<sup>19</sup>.

גם חודה של התקנה הזאת מכוון בעיקר נגד הרבנים הגורדים, שההכנה לסמיכה ומעשה הסמיכה עצמה שמשו להם מקור הכנסה, ועל ידי כך נתרבו הסכסוכים ביניהם ובין הרבנים הקבועים של הקהילות ונתעמקה המחיצה שחצתה

17 כידוע הגיעה הסימוניה, ז"א המסחר ב„תנא" ובדברי קדושה, לפרום שיאה בסוף המאה הט"ז, תחת האפיפיור אלכסנדר הששי מבית בורגיה, ובמחצית הראשונה למאה הט"ז. והיא שהטילה על שתור על הכנסיה הרומאית וגרמה להצלחתו של לוטיר. עי' בורקהארד, תרבות הרניסאנס באיטליה, חלק א' פרק י'.

18 תמצית קול הקורא של דאיינה הרפים אסף במאמרו הנז' (עמ' 11). קוה"ק הוא תוצאה מן המחלוקת על סמיכתו של ר' יוסף מארזי.

19 כתב פולמוס של ר' שמואל יהודה קאצינילנבון נגד ר' אברהם מרויקו נמצא בידי בכת"י. מתוכו יוצא, שמרוויקו העזי להתנפל על אביו של ר' שמואל יהודה, המהר"ם מפאדובה, אשר כל הקהילות בצפון איטליה היו כפופות לו. כתה"י שלפני היא טיוטא של כתב המיועד לרבני הקהילות, שטרם קיבלה את צורתה האחרונה; רבו בו המחקים וההוספות על הגליון ובין השיטין. הכתב הוא כתב איטלקי ואינו של קאצינילנבון.

החלקים או השליש". יש לנו כאן חומרה יתרה ביחס לתקנת מהר"ם מפדובה שלנו, שכן שוללת היא כל אפשרות של תשובה בידי ממונות ואינה מוציאה מן הכלל את המקרה של קבלת חרם מצד השואל שרק הלימוד מטרתו. מצד אחר אין שום ספק שבין שתי התקנות קיים קשר של זיקה, וביחוד אם נשים על דעתנו שמהר"ם מפדובה חותם ראשון בתקנות פירארה ובודאי היה ראש הועד. ההשערה המתקבלת על הלב היא, שהתקנה שאנו מפרסמים נתקבלה מתחילה בבית מדרשו של מהר"ם מפדובה כשראה שרבו השואלים שפנו אליו, כברסמכא עליון, בידי ממונות, לתועלתם, אולם הניח את הדלת פתוחה למשא ומתן של הלכה בפני יחיד סגולה. בצורתה זו נתקבלה התקנה בהקדילות שתחת מרותו של מהר"ם מפדובה, וכנראה נמנית גם בולונוייא עליהן. כשראה אח"כ שלא השיג את מטרתו הציע מהר"ם מפדובה לפני הועד הנז' את התקנה בצורה מוחלטת בלי שום הגבלה, כראוי לתקנה כוללת, כדי לנעול את הדלת בפני הרמאים. פרוצידורה דומה לזו שאנו משערים כאן מצאנו במקום אחר בתקנות ועד ד' ארצות בפולין, שבכלל הושפע מועדי הקהילות שבאיטליה; גם שם הכין ר' פייבש מקראקא מקודם תקנות שבת בשביל קהילתו, והציען אח"כ לפני ועד ד' ארצות שמשנת ש"ן, אשר אישר אותן ונתן להן תוקף של תקנות כוללות.<sup>15</sup>

התקנה שלנו אינה יצירתו של מהר"ם מפדובה, אלא יש לה יסוד במנהג רבותיו, שכן הוא כותב בתשובותיו סי' ס': "והנה אף כי קשה עלי כחורמוס להשיב על טענות ריב ממון בלתי שמוע בין אחיכם אף כאשר יבא השואל לדרוש ד"ת לבר, ומראה פנים כי תורה היא וללמוד הוא צריך ומציע לפני השאלה בלשון ראובן ושמעון, אשר ככה עשו ונהגו קמאי דקמאי להשיב לשואלים, אפ"ה באשר לא נעלם ממני תחבולות בעלי הריב אשר מסתירים עצה וגנבי גנבי לשואל בלשון ראובן ושמעון, מיחו בו רבותי אשר נהלו אותי להנחיל תורת ביב ומימיהם לקקתי ככלב המלקק מן הים, שלא לשמוע לעולם להשיב אמרי להם כי מתוך דברי המו"ם ילמדו לשקר...".<sup>16</sup>

גם התקנה הזאת, כתקנת בולונוייא רע"ב, מכוונה בעיקר נגד הרבנים הנודדים בשירותם של הבנקרים העשירים, אשר הראו את כוחם בכתיבת פסקים ובאסיפתם משאר הרבנים, ועל כן כותב ר' משה באסולה, המעולה שבין הרבנים הנודדים, על התקנה ג' שבתקנות פירארה שי"ד ההשגה הבאה: "חליצה לנו להוציא לעז על הראשונים הרשב"א והרא"ש ומהר"ק ודומיהם לכתוב תשובות בדרך זה להגדיל תורה ולהאדיר ע"ד אמת. אמנם עתה כי רבו הפורצים גדר התורה לכתוב פסקים

<sup>15</sup> עי' מאמרי על "תקנת שבת של פייבש מקראקא ב. חורב" כרך ב', (תצר"ה), עמ' 237 וכו'.

<sup>16</sup> לאמיתה של דבר יסודה של התקנה היא בתקנת ר"ח אורזרוע, כמו שמעיר לנכון פינקלשטיין (עמ' 304, הע' 3). השווה כמירכץ פסקים וכתבים לר' ישראל סי' ס"ב: "וששאלת על האחין והאחיות איני משיבך דבר ביען גונע הוא בידי ממונות וכן נהגו רבותינו ז"ל לביישיב אפילו דרך תשובה ושאלה בעלמא; ועי' שם סוף סי' ס"ח.

## .2

התקנה משנת רע"ב לא גדרה את הפירצה בשלטון הקהילה באורח ישר, כי אם בעקיפין—בפגיעה במכניסי מזירות מן החוץ, ונתנה מקום למתנגדיה, הרבנים הנוודים והבנקירים תומכיהם, למצוא תחבולות לעבור על התקנה. היה איפוא צורך בסייגים אחרים. סייג כזה נמצא בהטלת חומרות על הפרוצידורה של גבית עדות, כי ע"י כך הונחו מכשולים על הדרך המוליכה לידי מזירות מצד רבני חוץ. שהרי הלצו לא יכלו לדרון על עניני בני בולוניא אלא על יסוד גבית עדות במקום. ע"כ עמדו ותקנו, שלא יוכל שום איש לקבל עדות בבולוניא שלא בפני בעל דין חברו, ושהיו שלושה חברי ב"ד למדנים ולכל הפחות בני כ"ה שנים. הגבלות אלו בגבית עדות שימשו איפוא תריס בפני התערבותם של רבני חוץ בעניני בולוניא.

כדאי להעיר, כי בהשקפה ראשונה נדמה אמנם, שהתקנה בדבר גבית עדות נתקנה בפעם הראשונה בבולוניא בשנת רצ"ו; ואילו מתוך תעודה אחרת אנו למדים, שתקנה זו היתה ידועה עוד מקודם. בפסקים מסביב למחלוקת נורצ'ר פניצי משנת רע"ט מסופר על חתנו של עמנואל נורצ'ר, אליעזר מאריין,<sup>14</sup> שבא לבולוניא וגבה שם עדות שלא בפני פניצי, בעל דין חברו, ובלא שלושה דיינים. ובפירוש נאמר שם על זה (ע' פסקים, מארכס, עמ' 8–9): „דבר המתנגד לתקנות קדמוניות של קהילת בולוניא". מכאן יוצא, שתקנתו עתיקה יותר—ואולי נתקנה בשנת רע"ב ביחד עם התקנה הראשונה—ובשנת רצ"ו נתחדשה.

## .3

כל הסייגים האלה לא היה בהם כדי לנעול דלת בפני המעוניינים בדבר, שרצו להשתחרר מעול רב הקהילה. הלצו פנו בשאלות לרבנים מפורסמים מחוץ לבולוניא, ועל יסוד חוות דעתם התקוממו לפסקי הרבנים שבעירם. לעזרתה של קהילת בולוניא באו תקנותיו של אחד הרבנים החשובים ביותר שבצפון איטליא, והוא מהר"ם מפאדובה, שאף הן מכוונות להגביל את התערבות הרבנים בעניניהם של בני קהילה אחרת. התקנה הראשונה של מהר"ם מפאדובה האמרת: „ששום אחד מאתנו לא ישיב בכתב לשואל על דיני ממונות אפילו בלשון ראובן ושמעון"—נעשתה אף היא, כתקנת בולוניא משנת רע"ב, דוגמא לדורות. שכן בסעיף ג' מתקנות ועד הקהילות בפירארה אנו מוצאים: „שלא יוכל שום אדם לכתוב פסק בדיני ממונות אפי' על דרך ראובן ושמעון רק ברצון שני הבעלי דינין או הדיינים שיבררו

לודאי שעשה זאת במצוות אחד הבנקירים הוינציאים, ר' אשר מן המשולמים. משנת ר"ץ והילך הוא מתגורר בעיקר במחוז אנקונה (פיסארו, פאנו וכו'). באסולה עומד לימיו של ר' יוסף מארלי, רב נודד אף הוא (עיי' אסף באמרו הנ"ל בהע' 2).  
<sup>14</sup> מארכס (הע' 81) מתקן „מאריין" וקורא d'Arezzo. אם יש לו סמכים ממקום אחר נקבל את תיקונו, ואם לאו נשאר את „מאריין" ונקרא Marian כי השם הזה נפוץ בוירונה (ע' „אבני בנין... בוירונה" א, עמ' 24, 32).

מלבד זה יש הברדל יסודי בין שתי התקנות: תקנת בולגוניא אינה מכילה שום הגבלה בזכותו של הרב לשלוח גזירות לכל מקום שהוא רואה לנכון לעשות כן; אלא שהיא אוסרת לבעלי הדין להכניס את גזירות רבני החין לבולגוניא ולהכריזן שם. מה שאין כן בתקנת פירארה, שהיא גזורת על הרב, שלא יוכל לכתוב גזירות לעיר שיש בה רב אחר. הברדל זה מונח בטבע הדברים: תקנת בולגוניא, כתקנה מקומית, לא יכלה להטיל את תקפה על הרבנים שמחוצה לה, כי חסרה היתה הסמכות לכך. מה שאין כן בתקנת פירארה, שנתקבלה בועד הקהילות, במעמד מורשים מרוב מדינות איטליה, ויפה היה כחו של זה להטיל את תקנותיו על הרבנים כולם. נוסף על כך אפשר לראות בהברדל זה גם תוצאת השנוי שחל ביחסו של הרב אל הקהילה, שהוכרנו למעלה. כשהרב לא נמצא בקשר פנימי אל הקהילה והיה בו מאפיו של המלומד ההומאניסטן הנודד, הרי לא ראה עצמו מוגבל בתחומי הקהילה בלבד, אלא סמכותו שקנה לעצמו עקב סמיכתו היתה מעל לגבולות הקהילה, וגם לא העיוו להגביל את זכותו זו. אולם כשרב העיר הולך ומודדה עם קהילתו, נקל היה לו לוותר על זכותו המופשטת למור גזירות בכל מקום לשם חיוק סמכותו הממשית בקהילתו.

לאחר שמטרת התקנה, ביחוד בניסוח פירארה, היא לתת יפוי כח להרבנים הקבועים שבעיר ולהחליש כחם של הרבנים הנודדים, הרי טבע הדבר מחייב שהללו יתנגדו לתקנה זו בכל תוקף. ובאמת מוצאים אנו את ר' משה באסולה, אחד המעולים בין הרבנים הנודדים שבאותו זמן, פונה בדברים חריפים נגדה, בכתבו: <sup>13</sup> „זה אינו קשר של קיימא, וכי היכן מצינו שהרב יהיה אדון העיר או דוכס ומי יאמר לו מה תעשה, ואפילו אדוני העיירות נותנין רשות להביא גזירה מבחוץ לעת הצורך“. ואם הנזירה הכללית הזאת, שסוף סוף אינה אלא התחדשות של תקנה עתיקה, לא הניחה את דעתם של הרבנים הנודדים, אנו יכולים לדמות לעצמנו, עד כמה היתה למורת רוחם ההוספה, האומרת: „ובמקום שיש רב הממונה מהקהל או מראש הקהל לא יוכל רב אחר אפילו מהעיר ההיא לעשות שום גזירה לא בכתב ולא בע"פ רק ברצון הרב מהקהל“. כי הוספה זו מגבילה למאד את מידת יכולתם של הרבנים שאינם משמשים את הקהל כי אם את הבנקירים התקיפים. לפיכך ממשיך באסולה לאמר: „עוד הוסיפו סרה לאמור, כי במקום שהרב ממונה מהקהל או מראשי הקהל לא יוכל... רב אחר אפילו מהעיר ההיא לעשות שום גזירה, אם כן יבנו במה לעצמם ויעשו מה שלבם חפץ עם הרב אשר הקימו עליהם, אכיל דלאו דיליה ובהיל לאיסתכלא בהו, וראוי לייסר הרבנים הגזורים שלא כדין ושלא כהלכה“.

<sup>13</sup> השנותיו של ר' משה באסולה על תקנת הועד פירסם שוח"ב. עברי אנכי משנת 1870, גליון 31. ר' משה באסולה הוא רב נודד טיפוסי, ששירת בנקירים שונים. בשנת רפ"א-רפ"ב נוסע הוא מיוניציאה לא"י. רשמי נסיעתו זאת נדפסו בעלום שמו בשבחי ירושלים ליוורנו תקמ"ה. בהוצאה החדשה והשלמה בשם. מסעות ארץ ישראל לר' משה באסולה ירושלים תרצ"ח, אישר בןצבי את השערתו, שהנוסע היה ר' משה באסולה דגן. מתוך רשימותיו אנו למדים, שבדרך נסיעתו ביקר את שוקי המזרח היותר חשובים והתחקה על תנאי המסחר שבהם, וקורב

אם לא יהיה ברצון הרב מהעיר . . . או שהרב ההוא יסתלק מן הדין ההוא . . .". ביחס לתקנותינו אנו יש בתקנת פירארה משום חומרא ומשום קולא. חומרא כיצד, שכן משווה היא את המידה וכוללת כל גזירה אפילו כשאין חרם כרוך בה, מה שאין כן תקנתו המדברת על גזירה שיש "בתוכה אלה או נח"ש", ועל יסוד זה פוסק ר' עזריאל דיינא שאין היא חלה על גזירה שאין חרם בצדה<sup>116</sup>. התקנה המקומית שבבולוניי, אע"פ שהגורם הראשי שלה הוא חיוק עצימאותה של הקהילה, נשענת גם על האמונה העממית, שפרסום חרם יש בה משום סכנת מנפה-אמונה, שהיתה נפוצה אז באיטליה בכלל ובבולוניי בפרט.<sup>12</sup> אולם תקנת פירארה השתחררה מהגורם הזה, כי ביתנים נתגבר רגש העצימאות של הקהילות עד כדי כך, שלא היה צורך לתלות את התקנה בגורם לוי, ומפני כן לא הבדילו בין גזירה שיש בה חרם לבין גזירה שאין בה חרם. קולא כיצד, שכן בתקנת פירארה הכל תלוי ברב העיר, וכשאין רב בעיר או אם זה מסתלק מן הדין, הרשות נתונה לכל רב ורב, בכל מקום שהוא, לשלוח פסקיו וגזירותיו. ואילו תקנת בולוניי דורשת הסכמתם של כל הרבנים והפרנסים. בשני זה בא לידי בטוי קו ההתפתחות, שחלה במשך המאה הט"ז בתפקידו של הרב בחיי הקהילה שבאיטליה. ב"אבני בנין לתולדות היהודים באיטליה"<sup>12א</sup> אנו מפרסמים תעודות שונות, שמתוכן יוצא, כי קו ההתפתחות הזה הוא מעין פאראבולה שנקודת הגובה שלה נמצאת באמצע המאה הט"ז. בתחילת המאה ההיא כמעט שאינו ניכר חלקו של הרב בשלטון הקהילה; תפקידו מצומצם בכתלי בית המדרש, ושלטון הקהילה מסור לידיהם של הפרנסים. לאט לאט הולך הרב וכובש לעצמו עמדה אחר עמדה, עד שבמחצית המאה הט"ז הוא נעשה לרב הקהילה ולמייצגה היחיד, ביחוד בשדה המשפט. לפיכך קובעת תקנת בולוניי שמתחילת המאה הט"ז (1511), שכל מעשה ב"ד מן החוץ דורש הסכמת הפרנסים, כי אז היו הרבנים טפלים להם; אבל תקנת פירארה, שומנה במחצית המאה ההיא, 1554, מכירה את סמכותו המוחלטת של הרב בנוגע לפסקים וגזירות.

116 עי' נספח א', תעודה 2.

12 במחזור מנהג רומי יש בשמיני של פסח. סדר התרת קללות וחרמות' והנה בשלושת הדפוסים הראשונים של שונצינו (רמ"ח-רפ"ה) נדפס גם הלעז האיטלקי של ה.סדר". אולם בשאר הדפוסים, החל משנת רפ"ד בוויציאה נשמט הלעז האיטלקי, ויוצא מן הכלל הזה דפוס בולוניי משנת ש', אשר בו נשאר הלעז. וכאן המקום לתקן שגיאות אחדות ברשימתו של קאסוטו על התרגומים האיטלקיים של התפילות ב.השקפה הצרפתית' משנת 1930, עמ' 280-260. נעלם ממנו (עמ' 275) סדר התרת קללות בלעז נדפס בשלש ההוצאות של המחזור שקדמו לזו של בולוניי. מצד אחר רושם קאסוטו שתי הוצאות של סידור לאטיני שאינן במציאות. ה.אונקוס' שבספריית בולוניי (עמ' 274, הע' 2) היה ביד, ויכולתי לקבוע בוודאות, שאינו אלא הוצ' מנטובה משנת שכ"א הידועה ושקאסוטו מונה אותה בפני עצמה. הוצ' יושטיניאן בוויציאה משנת ש"ז (עמ' 273, הע' 4), גם כן לא היתה ולא נבראה. האקסמפלר בקלף שמוכר מאנצוני מכיל סידור תפילה בעברית מנהג איטלי ולא סידור תפילה בלעז איטלקי כמו שחשב יונה ונמשך אחריו קאסוטו.

12א קובץ על יד, סידרא חדשה, שנה ד', ירושלים, ת"ש.

בשילדי תקופת הריניסאנס. ואמנם שנת רצ"ז פותחת, כנראה, תקופה קצרה של תחיה כלכלית ותרבותית בחיי הקהילה שבבולוויא. סימן לדבר חשמש העובדה, כי ממש באותה שנה נוסד מחדש, אחרי הפסקה של חמשים וחמש שנה, ע"י בעלי התעשיה של משי, דפוס עברי, שטיפלו בו שני הרבנים המפורסמים ביותר שקמו לה לקהילת בולוויא: ר' אברהם הכהן, האציל הספרדי, ור' עובדיה מספורנו, הרופא והמלומד האיטלקי. ועל כן מראים הספרים שיצאו מבית הדפוס ההוא על שיתוף עבודה שבין היסוד הספרדי והיסוד האיטלקי ביחוד מבחינת תכנם. שכן אתה מוצא בפילוסופיה הדתית בצד הספר, אור עמים<sup>11</sup> לר"ע מספורנו את הספר, תורה אור<sup>12</sup> לר"י ק' יחיאל, ובהלכה אתה מוצא בצד פסקי ריקאנטי, הפוסק האיטלקי, את שו"ת הרשב"א, הפוסק הספרדי.<sup>13</sup>

## פרק ב – התקנות לחיזוק סמכותם של אורגני הקהילה

לאחר שהצענו את המסיבות המדיניות והתרבותיות, שהביאו לידי פירצות בחומת המשמעת הפנימית של הקהילה, נבחן כעת מקרוב את התקנות המקובצות בחוברת שלפנינו, המכוונות לגדוד את הפירצות הללו.

### 1.

בראש ובראשונה באה התקנה משנת רע"ב, המחרימה, כל מי שיביא שום מכתב מזירה אשר בתוכו תהיה אלה . . . משום ב"ד מחוץ לעיר בולוויא . . . ואפילו מזירה בעל פה . . .". תקנה זו שימשה דוגמה לדורות, שכן כארבעים שנה אח"כ, בשנת שי"ד, נתקבלה החקנה המקומית הזאת כתקנה כללית ע"י ועד הקהילות האיטלקיות בפירארה בצורה דומה.<sup>11a</sup> בסעיף ג' של תקנות פירארה אנו קוראים: „במקום שידור בו רב אחד לא יוכל רב אחד מחוץ לעיר ההיא לכתוב שם מזירה

<sup>11</sup> השתתפותו של ר' אברהם הכהן בדפוס העברי בבולוויא בשנות רצ"ז-ש"א בבית השותפים עושי מלאכת המשי, נזכרת בפירוש בספר חסידים שנדפס שמה בשנת רצ"ח; מן הרבנים האיטלקים השתתפו בו ר' עובדיה מספורנו ור' יוחנן טריויש, בעל קמחא דאבישונא. בנוגע למקורם של הספרים שנדפסו באותו הזמן בבולוויא, יש לציין חיון מעניין: בספרי הלכה, ספרי מוסר ובספרי מחקר שנדפסו שם אנו מוצאים ספרים גם ממקור אשכנזי (ספר החסידים), וגם ממקור איטלקי (פסקי ריקאנטי, אור עמים) ובעיקר ממקור ספרדי (תורה אור, פירוש יחיאל על כתובים, שו"ת הרשב"א). ואילו בספרי תפילה אין לך אלא מנהג, בני רומא, וביניהם סידור וולגארי, בלעז איטלקי. מכאן, שמנהג רומא היה היחיד בבולוויא, וגם הספרדים והאשכנזים היו זקוקים לו. עד כמה הקפידו הקהילות על אחדות המנהג, לכפותו על כל אלה שבאו לקבוע מושבם באיזה עיר, יש לראות מן המחלוקת שבין האשכנזים והספרדים בוורונא, שדברנו עליה באבני בנין לחלוקת היהודים בוורונא (הדפסה מיוחדת מתוך „ציון" שנה ג' ספר ב') עמ' 14 וכו'.  
<sup>11a</sup> תקנות ועד פירארה משנת שי"ד אני מביא מתוך ספרו של ל. פינקלשטיין, על השל. ון העצמי של היהודים בימי הביניים (Finkelstein L. Jewish Self-Government . . .), עמ' 301 וכו'.



הד המאורעות המדיניים ורוח הרניסאנס שמנינו למעלה מגיע אמנם לאזנינו מתוך חידוש תקנת בולוניא משנת רצ"ו, אבל הד זה בא ממרחק ידוע, וע"כ דרושה הקשבה ערה ומרוכזת כדי לקלוטו כראוי. ממרחק יותר קרוב אנו שומעים בחידוש זה הד ההתחדשות של חיי הקהילות שחלה במדינת האפיפיור תחת פולוס השלישי מבית פארניסי. זה היה האפיפיור האחרון שהמשיך את מסורת הרניסאנס של האפיפיורים שקדמו לו מבית מדיצי, אבל במדיניותו התרחק מדרכיהם. אין הוא שואף להבנות מחורבנה של אחת המעצמות, ספרד וצרפת, הנלחמות זו בזו, כי אם מכוון הוא את מעשיו לשם השכנת שלום ביניהן.<sup>8</sup> וכיוצא בו נהג גם במדיניות הפנים: כל מעייניו נתונים להשכנת שלום בין התושבים, להתחדשות סדרי החיים שנשבתו בשנות החירום של המלחמות התכופות, לקביעת סדרים הנחוצים להרמת החיים הכלכליים ולבנין שממות המדינה. צרכים אלה היו לו לפולוס השלישי למורה דרך גם ביחסו אל היהודים, שאת ביטוי הנאמן אנו מוצאים בהבולה שלו משנת 1535. בה הוא מאציל ליהודים זכויות רחבות, המשמשות מסגרת להסתדרות חיהם על יסודות נאמנים, כדי שיוכלו למלא תפקיד חשוב בחיי הכלכלה של המדינה המרוששת.<sup>9</sup>

ואמנם לא אחרה הבולה מלהראות את פעולתה החיובית על חיי הקהילות הגדולות שבמדינת הכנסיה, ביחוד רומה ובולוניא. היא נתנה דחיפה ליצירת אורגנים חשובים בסדרי הקהילה, וגם הצליחה להפית חיים חדשים באורגנים הישנים. סדרי המשפט זכו לטיפול מיוחד מצד ראשי הקהילות ההן, עד כי השטרות שנעשו ע"י סופר הקהל ושנרשמו בפנקס הקהילה היה כחם יפה כאילו נעשו ונרשמו בערכאותיהם.<sup>10</sup> מבחינה זו יש לראות בחידוש תקנת בולוניא בשנת רצ"ו אחד הביטויים של השתתפות הקהילה הזאת בתנועת התחיה של היהדות האיטלקית

שבמחלוקת זו באה לידי ביטוי התרוצצות של שתי שכבות שונות בקרב הציבור היהודי שבאיטליה בתקופה זו. על ר' משה באסולה אנו יודעים שיצא במחאה חריפה נגד תקנות ועד הקהילות שבפירארה, ש"ד, וביחוד נגד אלו שהיו מכוונות לחקוק יפוי כחם של הרבנים הקבועים, ע"י הערותינו לפ' ב'. גם ר' אברהם מריוקו נודע לבעל מחלוקת עם רבנים שונים, כגון ר' משה פרובינצאל, מהר"ם מפאדובה וכדומה.

<sup>8</sup> כידוע, פעל פאולוס הנ' כמתווך בין קארלוס הה' ופראנץ הא' וגרם לידי ברית של שביחת הנשק ביניהם בשנת 1538.

<sup>9</sup> בבולה שלו לטובת היהודים מא' לפברואר 1535 (פורסמה על ידי שטרן מ. Urkundliche Beiträge über die Stellung der Päpste z. d. Juden, Kiel 1893). אנו קוראים: ראשית; לכל היהודים שבמחוז רומניא וכו' יש זכות ורשיון להתעסק בכל מיני אומנות ומלאכה, ולסחור בכל מיני חפצים, הן חדשים כדרכם; יש לתת אימון גמור, בלי פקפוק כלשהוא, לספרי מסחרם ולפנקסי חשבונותיהם – בעברית – כלספרי מסחר של הנוצרים, ובתנאי שיסאו חתימתו של הנוטריון שבכל עיר ועיר.

<sup>10</sup> פנקסי הקהילה שברומא משנת רצ"ו ואילך, הנמצאים כעת בארכיון הממשלתי, נושאים את חתימתו של הנוטריון העירוני, בהתאם להוראותיה של הבולה הנ"ל; ברצונו בחלק ב' מספרו. תולדות היהודים ברומא, עמ' 83, חשב בטעות שהנוטריון החתום היה גם סופר הקהל. ועי' פוגלשטיין-ריגר, תולדות היהודים ברומא, ח"ב, עמ' 130.



התקנה ומצאו להם תומכים בין אחדים מהרבנים שעמדו לשירותם. מכאן הצורך להשיב על דברי המערערים ולחדש את התקנה. סמוכין להשערנו זו נמצא בשתי תשובות של ר' עזריאל דאיינה-אף הן מובאות בנספחות-שמכילות שתי גזרות מכוונות בבלונייא ושתוקנו לדרישתם של הבנקרים הפלורנטינים שמצאו להם מפלט בבלונייא.<sup>6</sup>

אולם לא רק הד המאורעות המדיניים ניתן לשמוע מתוך דברי התקנות האלה, כי אם גם רוחה של הרניסאנס, שחגג אז את חג נצחונו במדינת האפיפיור. החליפות והתמורות בעולם המדיני ונדודי הבנקרים שבאו בעקב המאורעות האלה יצרו אמנם את התנאים הנאותים לסכסוכים שבין חברי הקהילות השונות, אבל עדיין לא היה בהן כדי להכשיר את הלבבות למעשים אלה. אבל עם התגברותו של רוח הרניסאנס וההופעות הכרוכות בה הוכשרו לבותיהם של רבנים ידועים להתערב בענינים הנוגעים לבני קהילות שהיו מחוץ לסמכותם הרשמית, ז"א להסגת גבול סמכותם של אחרים, ומעשים אלה עוררו פעולות הגנה של באי כח הקהילות האחרות שראו את עצמם מקופחים בזכותם. טעות היא לחשוב, כי קודם שהותקנה התקנה לא הקפידה בולונייא, וכן שאר הקהילות, על הסגת גבול סמכותה. אדרבא היה זה דבר המובן מאליה, כי כל קהילה יש לה ארון משלה, שהוא המארה דאתרא, ולא עלה על לב מי שהוא להכנס ברשותו, אם לא במקרה יוצא מן הכלל. ורק הרניסאנס, שהרס את בנין המושגים הכלליים המפשטים של ימי הביניים והעמיד את העולם על הפרט, האינדיבידואל, הוא שחתר חתירה גם תחת קיומה של ה"קהילה" בתורת מהות כללית ופרקה לפרטיה, ועל ידי כך פרץ פירצה במחיצה שהוקמה בימי הביניים בין קהילה לקהילה. על רקע ההשקפה האינדיבידואלית הזאת נוצרו רבנים, בעלי סמיכה, שלא היו קשורים לשום קהילה אלא לתומכים ינדיבים בלבד, שגם המה נשארו מחוץ לקשר הקהילה, והרבנים האלה היו נודדים ממקום למקום, מלזים את אדונם או מחליפים אותו תכופות, דוגמת ההומניסטים שבחצרות המושלים. רבנים כאלה היו משמשים את אדונם על מנת לקבל פרס בכל מקום ובכל זמן. תקנות מעין אלו של בולונייא אינן אלא ביטוי להתנגדות מצד הרבנים שמטעם הקהילה למעשי ה"חתירה" של הרבנים אשר בשירות הבנקרים התקיפים, שהיו כופרים בעיקר הגבולות המפסיקים שבין קהילה לקהילה, וממילא באיסור של הסגת גבול. על הטיפוסים המובהקים של רבנים מסוג זה נמנים ר' יוסף מארלי, משה באסולא, אברהם מרוויקין, ובמובן ידוע ■ ר' יצחק מלאטיש, שבמקום אחר נרחיב עליהם את הדבור-ולפיכך אנו מוצאים אותם לעתים תכופות מסובכים בסבך המחלוקת עם גדולי הרבנים שבאיטליה, המגנינים בכל תוקף על גבולותיה של הקהילה וחכויותיה.<sup>7</sup>

6 ע' נספח א.

7 על המחלוקת שהתלקחה מסביב לסמיכתו של ר' יוסף מארלי כתב א. מארכס בתרביץ שנה ח' עמ' 171 וכו', ואסף במאמרו הנ"ל, עמ' 12, הוסיף עליו נופך. אולם הערכה שלמה של המחלוקת טרם ניתנה, ובמאמרי על ר' מארלי שהכינוי לדפוס השתרדתי להבליט

המחלוקת, שפרצה בשנת רע"ט בין עמנואל נורצי מפירארה ואברהם רפאל פניצי שבבולונייה, והיא שעוררה בזמנה רעש גדול וחלקה את רבני איטליה לשתי מחנות נלחמות זו בזו בחרמות ובגידופים.<sup>5</sup> השערתנו זו מתקיימת גם מתוך דברי מערערים אחדים על תקנתנו, המזכירים בדברי התשובה. הללו טענו, כי כל עיקרה של התקנה לא באה אלא לאסור גזירה המכילה הומנה לבני בולונייה לעמוד לדין לפני ב"ד שמחוץ לבולונייה. ואף אם לא נקבל את עדותם של מערערים אלה, הרי זה בא עכ"פ להורות, שהתקלות שבאו לרגלי הומנות כאלו נתנו במדה ידועה את הרחיפה לקבלת התקנה. ואם בשנים כסדרן עלולים היו דברים שכאלה לסכן את שלום הקהילה-על אחת כמה וכמה בשעת חירום, כשקבלת מרותה של סמכות חיצונית יכלה להבאיש את ריחה של הקהילה בעיני השלטונות, שגם הם השניחו בעין פקוחה על כך והטילו קנס של אלף דוקטי על כל מי שיכניס גזירה מב"ד שמחוץ לבולונייה.

הצורך בחידוש התקנה בשנת רצ"ז לא בא מפני הזלזול שנהגו בה מתוך שכחה והיסח הדעת, שהרי חוץ מן המקרה, שבעל המשיב, המגין על כחה של התקנה, מביא אותו כראיה להתפשטות התקנה, יש לנו עדות משתי חשובות של ר' עזריאל דאיינה-הלל מתפרסמות בנספחות-כי עד שנת רצ"ד היתה התקנה בתקפה ובני בולונייה התחשבו בה. חידוש התקנה בא רק כדי לסתום פיהם של המערערים שקמו עליה. והמערערים האלה יצאו, עד כמה שאפשר לשער, מחוגי הרבנים והפרנסים שהתקרבו אל הבנקירים החדשים, שקבעו את מושבם בבולונייה לרגל המאורעות שחלו בפירינצי באותו זמן. שנות רפ"ז-ר"ץ, שהיו שנות ועוזעים קשים למדינת האפיפיור מבית מדיצי, הביאו אתם גירוש בית מדיצי מפירינצי, וגירוש בית מדיצי גרר אחריו תמיד גירוש היהודים, ביחוד הבנקירים, מפירינצי (והדבר נשנה בשנת 1495 ונשלב בשנת 1527). הללו ברובם בקשו להם מפלט בבולונייה, ומיעוטם ברומה, שכן עוד לפני מאה שנים בערך גדולה היתה השתתפותם של יהודי פירינצי בחיי הכלכלה שבבולונייה, שתפשו את המקום השני לאחר פירארה. מששת הבנקירים הראשיים, שהשיגו מחדש, בשנת 1514, זכויות וקיומים לפתיחת בתי הלואה בפירינצי, אנו מוצאים ארבעה שישבו בבולונייה בשנות ר"ץ-רצ"ב. עם זרם משפחות הבנקירים האלה לבולונייה, שענפיהן היו נוטים לחוץ בשל סניפי עסקיהם המתפשטים בכל רחבי טוסקאנה, הוכשר מחדש הקרקע, כמו בשנת רע"ב, להתערבות-חוץ לטובתם של הבנקירים החדשים, שלא רצו לקבל עליהם את עול

5 על המחלוקת הזאת נדפסו בזמנה, רע"ט, כתבי פלסתר - פסקים - משני הצדדים. דיקרת מציאותם של הפסקים האלה, משמש אני בהרצאתו המקיפה של א. מארכס, אשר מסר ברשות החוקרים את כל החומר ההיסטורי השקוע בהם, במאמרו החשוב: Marx A. A Jewish Cause Celebre in Sixteenth Century Italy (the Pesakim of 1519) (הדפסה מיוחדת מקובץ מחקרים לזכר צ. פ. חיות, ווינה 1932). את המאמר אני מצטט בשם מארכס-פסקים). כדאי להעיר, שבמחלוקת לקח חלק, כנראה, גם הרופא המפורר יוסף צרפתי, שכתב שיר ארסי נגד נורצי וסיעתו (עי' שירמן, מבחר השירה העברית באיטליה, עמ' רל"ז: ועימי אל ומנואל. חברים...).

הבנקרים בעלי ההשפעה נעשה ביתם בית ועד לחכמים, ז"א לרבנים נודדים, שלא טיפלו בעניני הקהילה כ"א היו חוסים בצל הגדיבים ותפקידם היה להגן על עניני נדיביהם בכל מקום, וביחוד כמורשיהם ובאייכחם מחוץ למקום מושבם, הרי התערבותם של הרבנים האלה, שרק טובת נדיביהם-שולחיהם היתה לגנר עיניהם, הולכת וגדלה ונעשית טרדנית ביותר, עד שרבני הקהילות ופרנסיהן ראו צורך לגדור את הפירצה הזאת בשלטון העצמי של הקהילה ולחסום בברית החרם את הפתח הפתוח לרווחה לפני התערבות מן החוץ.

ואם ישאל השואל: האם באמת הולמים המושגים של "שלטון עצמי" או "הגנה מפני התערבות-חוץ" וכדומה, את הנידון שלפנינו?—אף אנו נאמר לו: כל מי שעמד על טיבו של החרם וזכותו בקהילות איטליה שבתקופה זו לא יהסס להודות, כי אין כאן עירבוב תחומים וכי באמת כל המושגים שהשתמשו בהם למעלה במקומם הם, הזכות להטיל חרם אחת הזכויות הראשיות היא בסמכותו של הרב המוסמך, לרוב בהסכמת הפרנסים, והיא מהווה חלק עצמתי משלטון הקהילה שניתן לו מאת הרשות, באופן שהקפדנות נגד גזרת חרם שבאה מן החוץ מקבילה להקפדנות נגד כל פגיעה בשלטון העצמי שנלחמה בה הקומונה באיטליה מסוף ימי הביניים ואילך. ודבר זה מפי הרב ר' בנימן ממונטאלצ'ינו למדנו, ששימש רב בפירנצי באמצע המאה ה־טו'. בהשגותיו על הגזרות והחרמות, ששלח ר' יהודה מסיר ליאון מאנקונה לפירנצי, מקום מושבו של ר' בנימן, הוא כותב, שגזרות וחרמות אלו בטלות מפני טעמים שונים, ובעיקר, כי דיו לעבד להיות כרבו, ואחר שהאפיפיור והקיסר יר"ה אשר מכהם או מכח כחם מכונה מסיר ליאון (=תואר הסמיכה) נמנעים מצד מוסרם לצאת ולגזור גזרות על תושבי הארצות האלה עפ"י טעמים הם, כי אינם כפופים תחתם, ראוי שימנע מזה גם הבא מכחם".<sup>3</sup> הדברים האלה ברורים למדי וכל ביאור אך למותר.

התקנה משנת רע"ב היתה בלי ספק דבר בעתו, משום מעשה שהיה שרבו מביאי גזרות וחרמות מבחוץ, שהיה בהם משום לסכן את שלומה של הקהילה. אמנם אין אנו יודעים את פרטי המעשים שהניעו את הקהילה לידי תקנה זו, אבל יכולים אנו לדון גזרה שזה מעובדות דומות ולשער את מהלך הענינים בדרך זו: כפי שראינו למעלה, היו שכחים ומצויים יחסי-מסחר בין בולוניא ופירארה; בתקופה הטרופה של שנות רע"ב, כשבולוניא היתה עוברת מיד ליד, רבו בודאי היוצאים ממנה, ביחוד מבין חוגי הבנקרים, שבקשו מפלט בפירארה<sup>4</sup> ומשם השתדלו ע"י חרמים להזמין לדין את בני בולוניא, שהיה להם דין ודברים עמהם. הזמנות מעין אלו שימשו כמעט תמיד מקור של קטטות ומחלוקת בין הקהילות, וכאן גם סיבת

<sup>3</sup> עי' דברי ריבות בשערים... על תקנות ר' יהודה מסיר ליאון, הוסיאטין, חברת. דרובי שפתי ישנים, תרס"ב, עמ' 4.

<sup>4</sup> פירארה שימשה תכופות עיר מקלט לפליטי בולוניא בשעת חירום, וביחוד בזמן גירוש היהודים ממדינת האפיפיור בשנת שכ"ט, שאז כמעט כל הרבנים והמלומדים מבולוניא, וביניהם ר' עזריה מן האדומים, נמלטו לפירארה.

והגבולות שבין המדינות שבאיטליה הונח בשנת ר"ץ, אבל הבנין המדיני שנבנה על יסוד זה לא בא לידי גמר אלא לאחר הכרתו של האפיפיור פולוס השלישי (1534). זהו הרקע הכללי, שעליו הולכים ומתהווים חיי הקהילה שבבולוניה בתקופה זו.

הנה אם ניתן את דעתנו על העובדה, שהשירות בין היהודים שבבולוניה ובין היהודים שבפירארה היו שכירות ומצוות מאז ומתמיד, עד לידי כך שעוד מאה שנים בערך לפני התקופה שאנו דנים בה הוא האורחים מפירארה 25% בערך של כל האורחים שנכנסו לבולוניה מכל ערי איטליה וגם מחוץ<sup>1a</sup>—נבין את ההשפעה הגדולה שהשפיעו החליפות והתמורות שעברו על בולוניה עקב הסכסוך עם פירארה על גורל קהילת בולוניה ועל היחסים שבניה ובין שאר הקהילות. עד היכן הגיעה השפעת המאורעות האלה על היחסים שבין קהילת בולוניה ובין הקהילות השכנות שבערים השניות במחלוקת בין האפיפיור ובית איסטי—תעיד המחלוקת שפרצה בין קהילת בולוניה ובין קהילת ריגיו בשנת רצ"א, ז"א לאחר שהבוררים שהוטל עליהם להחליט בשאלת ריגיו הכריעו את הכף לזכותה של פירארה והאפיפיור טרם קבל עליו את פסק־הדין ועמד בכל חוקף על זכויותיו, וביניהן גם הזכות של גביית המעשר (א' מעשרים) מקהילת ריגיו. קהילת בולוניה תמכה באימוי חרם כתביעותיו של נציב האפיפיור בבולוניה, בעוד שקהילת ריגיו לא רצתה להכיר אלא במרותו של הרוכס מפירארה.<sup>2</sup> במקרה זה בולט לעין כל, כיצד הסתבכה קהילת בולוניה בסבך המאורעות המדיניים הכלליים, אבל ניתן לנו לשמוע את הדם גם מתוך תקנות רע"ב—רצ"ו. כי רק אם נווה לפני עינינו את הרקע המדיני הכללי, נרד לסוף כוונתן של התקנות הללו. הצורך בהגנה נגד התערבות־חוץ מראה על ריבויים של מקרים שכאלה, שהעמידו בסכנה את אחדותה של הקהילה ושלומה הפנימי, והתנאים שהביאו לידי רבוי מקרים שכאלה אנו מוצאים ברקע המדיני שתוארו למעלה. כי בשעת חילופי משמרות, כששלטון יוצא ושלטון נכנס, גם יהודיה־החצר בעלי ההשפעה משני הצדדים, ובעיקר בעלי החנויות והבנקרים הנהנים מזכויות מיוחדות בשל שירותם הכספי, מלווים את בעלי השלטון ביציאתם ובכניסתם. היוצאים לרוב לא הספיקו להתיר את קשריהם המסחריים עם אנשי המקום שעזבוהו, והנכנסים בלויית בעלי השלטון החדש גם המה קושרים קשרים מסחריים עם אותו החוג בעצמו, שעסקיהם עם היוצאים טרם הופסקו. כל סבך הענינים ההולכים ומצטלבים עי"ז שדה פורה הוא לחיכוכים, לטענות ותביעות בין היוצאים ונכנסים שבאים לרחוק את רגליהם. ומכין שבכל מקום שהגיעו אז

<sup>1a</sup> עי' מאמרו המעניין של א' לוינסון, ידיעות ונתונים סטטיסטיים על היהודים שנכנסו לבולוניה במאה ה־ט, בספר השנה של בית־המדרש לרבנים ברומה, תרצ"ח, עמ' 125 וכו' (Loevinson Ermanno, Notizie e dati statistici sugli Ebrei entrati a Bologna nel sec. XV, Annuario di studi ebraici, Collegio Rabbinico-Roma 1938) אותנו מעניין ביחוד הלוח הו', עמ' 137.

<sup>2</sup> אסף במאמרו על, שאלות ותשובות ר' עזריאל דאינה' (הדפסה מיוחדת מקרית ספר, שנה ט"ו, ס' א') עמ' 21 פירסם תמצית תשובתו של דאינה בסכסוך זה מבלי לחדור להמאורעות ההיסטוריים, המונחים ביסודו.

כמעט כליף לאיבוד. למראה מיעוטו של החומר הארכיוני של הקהילה, חשבנו לנכון לפרסם בדפוס חוברת אחת בכת"י של המאה הט"ז התופסת מקום־ביניים בין תעודה שקועה בשו"ת ובין תעודה ארכיונית ממש. ויחד עם זה התאמצנו להרחיב את מסגרתה של החוברת, לאמור לשזור את תכנה בתוך מסכת המאורעות הכלליים ולהעלות מתוך התקנות היבשות את הניצוצות של רוח התקופה המחיה אותן.

והתקופה שאנו דנים בה (רע"ב–רצ"ז) עשירה במעלות ומורדות בחייה המדיניים של איטליה בכלל, ושל בולוניה בפרט. עומדים אנו בעצם ימי ההתחרות שבין צרפת וספרד בשל ההגמוניה באיטליה, לאחר שהופרע שוויון־משקל בין המדינות השונות שבאיטליה עם מותו של לורנצו המפואר (1492), והללו התחילו מתרוצצות בין לבין עצמן בהסתמכן על אחת משתי המעצמות הנזכרות. בסבך ההתאבקות הזאת נאחו הסכסוך הישן שבין הדוכס מפירארה מבית איסטי ובין האפיפיור, מושל בולוניה להלכה אם כי לא תמיד למעשה, שזה מכבר היו לו טענות ותביעות על מדינה וריגיו שהדוכס מפירארה החזיק בהן. בדרך כלל נשען האפיפיור על ספרד, בעוד שבית איסטי היה בן־ברית נאמן של צרפת. ולפיכך החליפות התכופות שחלו אז בגורל ההתאבקות שבין ספרד וצרפת טבעו את חותמן גם על הלך הסכסוך שבין פירארה ובולוניה. כשגברה ידו של בן בריתו של האפיפיור, היתה מצודתו של זה פרושה גם על ריגיו ומדינה, וכשגברה ידו של בית איסטי ובן בריתו, נעשה שלטונו של האפיפיור גם בבולוניה עצמה למין הלכה ואין מורין כן, כי לרוב נמסר אז השלטון לידי משפחת בנטיווליי המתנגדת לשלטון האפיפיור. ודוקה בשנות רע"א–רע"ב, שאנו עומדים בהן, נוצר מצב מוזר שכזה: בעוד שהאפיפיור איש המלחמה, יוליוס השני מבית רובירו, שניסה את הגסיון האחרון לחזק את חוט השדרה של מדיניות הכנסיה בחרבו, כבש את מדינה וריגיו, נכבשה בולוניה על־ידי צרפת, ושלטון העיר עבר לידי מתנגדיו של האפיפיור. אולם המצב הזה לא ארך זמן רב, וההתאבקות בין שתי המעצמות, שגורל בולוניה היה תלוי בה, נמשכה תחת האפיפיורים מבית מדיצי ללא הכרעה חותכת כלפי שום צד עד שנת ר"ץ, שנת הכתרתו של קרל החמישי ע"י האפיפיור קלמנטי השביעי בבולוניה. האפיפיורים מבית מדיצי, חדורי רוח הריניסאנס, ידעו אמנם לעשות את רומה למרכז חיי התרבות של אותה התקופה, אבל בחשבם להשתמש בזמירות דיפלומטיות, לקוחות מבית מדרשה של הריניסאנס, כדי להפיק תועלת ממלחמת־הזרוע שבין ספרד וצרפת על אדמת איטליה נחלו תבוסה שלמה. התקופה הראשונה של ההתאבקות נסתימה בהכרעת הכף כלפי ספרד, ותחת הנהלתה התחיל התהליך של התגבשות וקביעות במדינות האיטלקיות השונות, שדוקה במדינת האפיפיור נתקל במכשולים שונים. שאלת ריגיו ומדינה טרם נפתרה לחלוטין; מתחילה הבטיח אמנם קרל החמישי את שתייהן לאפיפיור, אבל אח"כ נמסר הדיון עליהן לידי בוררים, שהוציאו פסק־דין לזכותו של בית איסטי. וגם שאלת פירינצי, ז"א החזרת השלטון לבית מדיצי שגורש משם, טרם נפתרה. היסוד לקביעת היחסים

# לתולדות קהילת בולוניה בתחילת המאה הט"ז

בצירוף תעודות בכת"י מתוך חוברת אחת ומתוך קובצי תשובות של ר' עזריאל טראבוט הזקן ושל ר' עזריאל דאיינה

מאת

ישעיהו זָנָה

A

## פרס א – הרקע המדיני והתרבותי

לא רבות הן התעודות, וביחוד ממקורות עבריים, שהגיעו לידינו על קהילת בולוניה, אעפ"י שבשים לב לערכה של העיר בימי הביניים ובתקופת התחיה האיטלקית-אם כמרכוז מדעי בשל האוניברסיטה המפורסמת שלה, ואם כמרכוז מסחרי, שכן היא עומדת בצומת הדרכים שבין חלקי איטליה השונים-היו בבולוניה התנאים הנאותים ביותר כדי למשוך לתוכה ישוב יהודי הגון. ובאמת יודעים אנו מתוך תעודות שונות, שהקהילה היהודית של בולוניה תפסה מקום חשוב ביהדות האיטלקית בתקופות ידועות. אולם חוסר הרציפות וההתמדה של הקהילה, לרגלי החליפות והתמורות שבשלטונה במאה הט"ז והט"ז-התאבקות בין המדינות האיטלקיות השונות בשל ההגמוניה באיטליה הצפונית והתגושות בין ספרד וצרפת בשל ההגמוניה על אירופה כולה-ושני הגירושים של היהודים מבולוניה במחצית השניה של המאה הט"ז (1569-1592), ששמו קץ לחיי הקהילה הזאת למשך של מאתים וחמשים שנה בערך, הביאו לידי כך שהחומר הארכיוני של הקהילה הלך

1 בשל צמצום הידיעות על הקהילה מן המאות הקודמות, חסתי על ידיעה אחת שהגיעה לידי חוך כדי היפוך בספרי תפלה, שרגילים לדרוש בהם, הנמצאים בספריית הקולג' בסניסיניטי. בחוברת צנומה, בעלת ח' דפים, 8 זעיר, המכילה: בקשות ותפלות נתיסדו ונתקנו על פי גאוני וחכמי ישיבת מנטובה בעת מלחמה ובהיות העיר במצור (מנטובה ש"ץ). אנו קוראים בדרך זו ע"א: ראה זה לא חרש הוא כבר היה לעולמים, נמצאת התפלה הזאת מכתיבת יד הגאון במהר"ר מתתיה במהר"ר יצחק ישראל, שנת קס"ג בהיות בולוניה במצור, וכתב שראו בה סימן ישועה. התפלה מתחילה: יי צבאות אלקי ישראל יושב הכרובים חוס וחמול ורחם וחנן על בניך בני שעשועיך היושבים בעיר הזאת וכל סביבותיה, ומלטנו מיד צר... שנת קס"ג חשובה היא בתולדות בולוניה, כי באותה שנה-1402-מת גיאן גליאצו (Gian Galeazzo), מבית ויסקונטי שבמילאנו, אשר פרש מצודת ממשלתו על בולוניה. עם מות התחילה בית ויסקונטי להתפורר, והמדינות השכנות קרעו ממנה איברים איברים, וגם בולוניה הייתה אחת החתיכות שנתלשה ממנה. על המאורע הזה מרמזת התפלה הנזכרת. את מחבר התפלה, ר' מתתיה בר' יצחק, אנו פוגשים בתור מורשה מק"ל בולוניה כט"ז שנים אח"כ בוועד הכללי שבפורלי משנת קע"ח ע"י פינקשטיין, השלטון העצמי של היהודים בימי הביניים, עמ' 287.





כן. נחום המדי סבר שחלב פירושו חלב שאינו מבושל, לכן: נחום המדי אומר מדליקין בחלב המבושל. לא כן החכמים, הם סברי חלב משמעו הן חלב מבושל הן חלב שאינו מבושל ומשום זה: אחד מבושל ואחד שאינו מבושל אין מדליקין בו. וגם סדר כל החומר והצעתו מוכיחים שלפנינו פה בראשונה הלכה קדומה ואחריה חומר המוסב עליה. בראש הפרק עומדת סתם משנה כללית: אין מדליקין לא בלכש... ולא בחלב. וכך החומר שאחריה מהוה באמת תוספת ביאור והרחבה למשנה זו. נחום המדי והחכמים מבארים את ההלכה: ולא בחלב. המשפט: אין מדליקין בשמן שרפה בירט, מכיל באמת ביאור להלכה<sup>83</sup>: ולא בשמן שרפה, הנמצאת לפני כן. ההמשך: רבי ישמעאל אומר אין מדליקין וכו', מדבר על השמנים ושייך לחלק השני של המשנה הסתמית העוסקת ג"כ בשמנים והסיום: כל היוצא מן העץ וכו', הוא מעין תוספת והרחבה לחלק ראשון של המשנה הדין על הפתילות: לא בלכש וכו'. סדר החומר התוספתי או, 'הסוגית' הוא אמנם ההפך מסדר החומר שבמשנה הסתמית. אבל יש בו בנדון זה עקביות, הוא מפרש ברישא שהוא דסליק מיניה ואח"כ מה שלפניו וכו'.<sup>84</sup> בראשונה הביאור ללא בחלב שבו מסיימת המשנה הקדומה, ואחריו הביאור ללא בשמן שרפה. אח"ז הרחבה לחלק ב' ולבסוף השלמה לחלק א'.

עירובין פ"א מ"ח ולהלן: שיירא שחנתה וכו' מקיפין שלשה חבלים וכו' מקיפין בקנים ובלבד שלא יהא בין קנה לחברו שלשה טפחים בשיירא דברו דברי רבי יהודה וחכ"א לא דברו בשיירא אלא בהווה כל מחיצה שאינה של שתי וערב אינה מחיצה ד"ר יוסי בר' יהודה וחכ"א אחד משני דברים. בנוגע לבבא: כל מחיצה... משני דברים, מקשים כבר בסוגיא שם י"ז א': חכמים היינו ת"ק. אכן בבא זו עושה רושם של מקור אחר ולפי"ז לפנינו תופעה שעליה דברנו לעיל.

לעומת זה נראה שהבבא: בשיירא דברו... אלא בהוה, מכילה פלוגתא בין רבי יהודה וחכמים בביאור המשנה שלפני כן. במשנה שם איתא: שיירא שחנתה, ר"י סבר בשיירא משמעו דוקא שיירא: בשיירא דברו. וחכמים סברי שיירא אינו דוקא=לא דברו בשיירא אלא בהווה.

ע"ע עירובין פ"א מ"ג-מ"ד, ב"מ פ"ה מ"ז והסוגיא שם ע"ד ב', וש"מ<sup>85</sup>.

<sup>82</sup> המשפט: במה מדליקין ובמה אין מדליקין, בלי ספק מעין כתבת. מה שמור כאן הוא זה: בכל מקום שיש כתבות כאלו יש אח"כ במשנה ביאור לשני חלקי הכתבת. ע' לדוגמא שבת פ"ד מ"א: במה טומנין ובמה אין טומנין, ואח"כ: אין טומנין לא וכו' טומנין בשלחין וכו'. ע"ע שבת פ"ה מ"א, שם פ"ו מ"א, יבמות פ"ט מ"א, ב"ב פ"ה מ"א, מנחות פ"ה מ"ג, שם פ"ה מ"ו, וש"מ. לעומת זה אצלנו באמת רק ביאור לחלק שני של הכתבת, לאין מדליקין. האם לפנינו המקור בצורה מקוצרת או יצאה כל הכתבת מתחת איוו יד אחרת? מ"מ כאן כנראה תופעה הנכנסת לגדר שאלת המקורות.

<sup>83</sup> ע' בסוגיא שם כ"ז ב' ולהלן. <sup>84</sup> לסדר הפוך כוה ע' גדרים ב' ב' ולהלן.

<sup>85</sup> ע"מ בספר היוכל לכבוד קמינקא. שם אני מעיר על גיטין פ"א מ"א ומשתדל להוכיח שגם במשנת גיטין שם פלוגתא בביאור הלכה קדומה הנמצאת לפני כן, ע"ש. ע"ע לעיל הערה 4. וע"ע בתוספתא סנהדרין פ"ג ה"א.

רק אכילה בלבד. לכן לא באה בחשבון גם שיטת רש"י הנ"ל. ובאמת מראה המשנה המקבילה בעדיות פ"ה מ"ב, שלפנינו שאלת מקור מסוג אחר לגמרי.

במשנת עדיות שם איתא: רבי יוסי אומר ששה דברים מקולי ב"ש ומחמורי ב"ה העוף עולה עם הגבינה על השלחן ואינו נאכל כדברי ב"ש ובה"א אינו עולה ואינו נאכל וכו'.

מזה שלפנינו בחולין שני מקורות שונים אחד ע"י השני. מקור אחד הוא ההלכה: כל הבשר . . . מותר בבשר דגים וחגבים. וההמשך: העוף עולה . . . ומחומרי ב"ה, נובע ממקור אחר, מן המקור הנשאר לנו בעדיות. ולרגלי התאמה למסגרת הביא בחולין ממקור זה בראשונה את ההלכה: העוף עולה וכו', ואח"כ ציינו כביכול את המקור שממנו שאבו: א"ר יוסי וכו'—הא קמ"ל מאן ת"ק רבי יוסי.

בגדה פ"ב מ"ו איתא: ה' דמים טמאים באשה וכו' בש"א אף כמימי תלתן וכמימי בשר צ"י וב"ה מטהרין הירוק עקביא בן מהללאל מטמא וחכמים מטהרין.

בסוגיא שם י"ט רע"א מקשים: ב"ה היינו ת"ק, ושם י"ט רע"ב מקשים: חכמים היינו ת"ק. ועל שתי הקושיות גם יחד נותנים את התירוץ: איכא בינייהו לתלות ברם בעדיות פ"ה מ"ו איתא: עקביא בן מהללאל העיד וכו' הוא היה מטמא שער הפקודה ורם הירוק וחכמים מטהרים. על יסוד משנת עדיות זו הדעת נותנת שהבבא האחרונה בגדה: הירוק עקביא בן מהללאל מטמא וחכמים מטהרים, נובעת ממקור אחר. ובהבחנת מקורות זו מתישבת הקושיא: חכמים היינו ת"ק. כמו כן קרוב מאד שגם פלוגתא ב"ש וב"ה נובעת מאיזה מקור אחר, אלא שמקור זה אינו בידנו. ובוה יש גם לפרנס את הקושיא: ב"ה היינו ת"ק.

ע"ע ב"מ פ"ז מ"ה ותוספתא שם פ"ח ה"ד והסוגיא שם צ"ב א', זבחים פ"א מ"ה ומנחות פ"א מ"ד ותוספות שם י"ב א' ד"ה וחכ"א, תמורה פ"ג מ"א ותוספות שם י"ח א' ד"ה וחכמים אומרים, ע"ע בהגהות הגר"א שם, נדה פ"ב מ"ז ותוספתא שם ספ"ד וסוגית הש"ס שם ל' ב'.

## XXVIII

ברם בכמה וכמה מקומות קשיים שפתרונם הקרוב ביותר הוא זה, שלפנינו ביאורים שונים להלכה הקדומה הנמצאת לפני כן, ובכן ממש כשיטת התוס' הנ"ל. ע' לדוגמא:

שבת פ"ב מ"א ולהלן: במה מדליקין ובמה אין מדליקין אין מדליקין לא בלכש . . . ולא בשמן שרפה ולא באליה ולא בחלב נחום המדי אומר מדליקין בחלב מבושל וחכ"א אחד מבושל ואחד שאינו מבושל אין מדליקין בו אין מדליקין בשמן שרפה ב"ר י"ט רבי ישמעאל אומר אין מדליקין בעטרן וכו' כל היוצא מן העץ אין מדליקין בו אלא פשתן וכו'.

בסוגיא שם כ"ד ב' איתא אמנם: חכמים היינו ת"ק איכא בינייהו דרב ברונא ולא מסיימי. אבל כשמעיינים היטב במשנה באים לידי הכרה, שנחום המדי והחכמים חולקים באמת בביאור ההלכה: ולא בחלב, הנמצאת באופן בלתי אמצעי לפני

ומן המפורש בתוס' כאן על הברייתא יש ללמוד ג"כ על דבריהם על המשנה בזבחים שם הסתומים.

וכן בתוספות<sup>80</sup> פסחים קט"ז ב' ד"ה וחותר. במשנה שם פ"י מ"ו איתא: וחותר בנאולה ר"ט אומר וכו' ר"ע אומר וכו'. גם ■ הם אומרים: ת"ק לא פירש כיצד ופלגי במילתיה ר"ט ור"ע וכו' וכן מצינו בסנהדרין גבי לא ירבה לו נשים ובריש חזקת הבתים דפלגי תנאי במילתיה דת"ק.

ע"ע תוס' עירובין מ"ח א' ד"ה רבי יהודה, מ"ק כ"ד א' ד"ה וחכ"א.

ובכן יש לנו בנוגע למקורות מסוג זה שתי שטות: א' שטת רש"י שאין כאן מחלוקת בביאור הלכה קדומה, אלא המסדר עצמו נתן בראשונה לרעיון הנתון צורה לשונית המתאימה לשתי עמדות שונות ואח"כ הציג את העמדות. ב' שטת התוספות, שבמקומות אלה לפנינו קדם כל הלכה קדומה שלה צורה סגנונית כזו שאפשר לבארה בשני פנים ואחריה מובאות עמדות שונות החולקות בביאורה. למטרתנו אנו מספיקה לע"ע העובדה שלשיטת התוס' הציג מסדר המשנה בראשונה את ההלכה הקדומה ואח"כ העמיד על ידה את הביאורים השונים שעליה. ובמקום להכנס לגדר בירור שיטות רש"י ותוס' בדרך זו ע"י החומר הנתון שהובא עד הנה נראה מה פני בעיה זו במקומות אחרים.

## XXVII

בכמה מקומות במשנה מקבלים אמנם בסקירה הראשונה את הרושם ששם הלכה קדומה עם ביאורים שונים שעליה, אבל אחרי עיון באים לידי הכרה שהדבר אינו כן. ולפעמים אפשר אפילו ע"י החומר המקביל להוכיח ששם לפנינו תופעה אחרת לגמרי. ע' לדוגמא:

חולין פ"ח מ"א: כל הבשר אסור לבשל בחלב חוץ מבשר דגים וחגבים ואסור להעלותו עם הגבינה על השולחן חוץ מבשר דגים וחגבים העוף עולה עם הגבינה על השולחן ואינו נאכל דברי ב"ש וב"ה אומרים לא עולה ולא נאכל א"ר יוסי זו מקולי ב"ש ומחומרי ב"ה.

בסוגיא שם ק"ד ב' מקשים: רבי יוסי היינו ת"ק, ומתרצים: הא קמ"ל מאן תנא קמא רבי יוסי. ובתוס' שם ד"ה רבי יוסי איתא כבר: אב"ה לא פריך היינו ת"ק דה"ק דבר זה מחלוקת ב"ש וב"ה ואין זה סתמא ואח"כ מחלוקת דב"ש במקום ב"ה אינה משנה.

הקושיות כאן בלי ספק יותר אדימות מן התירושים ובכ"ז אין פה בשום אופן להכנס לגדר שיטת התוס' הנ"ל, ר"ל שיש פה הלכה קדומה וע"י ביאורים שונים. מנקודת ראות פורמלית היה אפילו מקום להגיד שב"ש וב"ה חולקים בהוראת הביטוי: העלאה. מר סבר העלאה פירושו העלאה וגם אכילה במשמע ומר סבר העלאה פירושו אכילה בלבד<sup>81</sup>. אולם אין הדעת נותנת שמי שהוא סבר שהעלאה משמעו

<sup>80</sup> שטת רשב"ם שם בד"ה כן יגיעו אינה די ברורה. מ"מ מכא רשב"ם שם עוד כתובות

נ"ז א': ואוכלות בתרומה ר"ט אומר נותנין לה הכל תרומה רע"א מחצה חולין מחצה תרומה.

<sup>81</sup> כי במשנה רק בישול והעלאה אבל אכילה ליתא.

גם יוצריו, הם ביארו את ההלכה הקדומה: ידיעות הטומאה ב' שהן ד', בשיטת ר"ע רבם<sup>78</sup>. לפי"ז נראה גם כן שהמקור שבפ"ב קדום מזה שבפ"א.

\* \* \*

זה אמנם איננו שכיח ביותר שהמשנה שלנו תביא שני מקורות שונים אחד ע"י השני ובהם שני ביאורים שונים להלכה קדומה הנמצאת לפני כן, אבל בכ"ז אין תופעה זו בודדה לגמרי. ובאמת נמצא פה ושם דוגמה ממשה<sup>79</sup>. ועוד, תופעה זו אומרת בעיקר הדבר רק זאת בלבד: במשנתנו הציעו לפעמים בראשונה את ההלכה הקדומה ובאופן בלתי אמצעי אחריה הביאו חומר אחר, שבו שני ביאורים שונים להלכה הקדומה. והכל יחד מונח לפנינו בצורה סגנונית כזו שבסקירה הראשונה אין להכיר שלפנינו מקור עם ביאורים שונים שעליו. תופעה זו כבר יותר מצויה. וגם רבותינו בעלי התוספות כבר הכירו והעירו עליה.

## XXVI

למשנת זבחים פ"ט מ"א: המזבח מקדש את הראוי לו רבי יהושע אומר כל הראוי לאשים וכו' רבן גמליאל אומר כל הראוי למזבח וכו', מעיר אמנם רש"י פ"ג א' ד"ה רבי יהושע אומר ח"ט: הני תנאי פליגי בפירושא דאת הראוי לו דסתמא דמתניתין דרבי סתם מתניתין את הראוי לו למעוטי שאין ראוי לו והדר מפרש מאי ניהו ראוי לו לר"י וכו' לר"ג וכו'. אבל התוספות שם בד"ה המזבח מעירים ח"ט: רבי יהושע ור"ג אותו לפרושי הך רישא וכי האי גוונא בחזקת הבתים דר"י ור"ע קמפרשי בסיפא חזקה דרישא.

לרש"י הכל יחד, הן ההלכה העומדת להתבאר הן הביאורים השונים, מתחת ידו של מסדר המשנה יצאו, כלומר הוא סגן הכל. וכבר מזה שכונת התוס' להגיד שרבי יהושע ור"ג חולקים בביאור הלכה קדומה. אלא שלשון התוס' כאן איננה די ברורה. אכן במקום אחר הם אומרים כבר דברים יותר מפורשים.

בפסחים פ"ג א' איתא ברייתא ח"ט: דתנאי ועצם לא תשברו בו בכשר ולא בפסול רבי יעקב אומר היתה לו שעת הכושר ונפסל וכו' רש"א אחד זה ואחד זה אין בו משום שבירת עצם. ועל זה מעירים התוס' שם בד"ה רש"א ח"ט: ואם תאמר ר"ש היינו ת"ק ונראה לר"י דרבי יעקב ור"ש פליגי אליבא דת"ק כי ההיא דלא ירבה לו נשים (סנהדרין פ"ב מ"ד) וההיא דחזקתם שלש שנים דחזקת הבתים.

<sup>78</sup> עפ"י אין באמת כבר גם שום מקום לקושיא: מני מתניתין לא רבי ישמעאל ולא רבי עקיבא. בסוגית התלמוד שם ד' סע"א אחרי שו"ט: אלא א"ר יוסף רבי ונסיב לה אליבא דתנאי בידיעות נסיב לה כרבי ישמעאל בשבועות נסיב לה כרבי עקיבא. ולדידן כבר בידיעות נסיב לה אליבא דתנאי. וע"ע מ"ש בבית-שמואל שם. ובאמת לא מן הנמנע שרב יוסף אמר רק נסיב לה אליבא דתנאי, ותו לא מיד, והתכוון אולי רק לידיעות בלבד.

<sup>79</sup> ע' לעיל הערה 77 וע"ע להלן.

שֶׁלשׁ ידיעות הראשונות נמצאות מפורש במשנה, הן הולכות אפילו ונשנות מפורש ע"י שלשת נושאים שונים<sup>74</sup>. הידיעה הרביעית ליתא כאן מפני שהיא נמצאת כבר<sup>75</sup> לעיל בפ"א מ': ועל זודון טומאת מקדש וקדשיו וכו'. ועוד, פה הוא מציע רק את הידיעות שהן בעולה ויורד ומזיד הוא בכרת<sup>76</sup> או שעיר הנעשה בפנים וידה"כ מכפר. משום זה ליתא כאן הידיעה הרביעית, המזיד.

## XXV

עתה מתעוררת השאלה, מה טיבם ויסודם של שני הביאורים הללו. אכן עלינו קדם כל לברר את ההבדל היסודי שביניהם ומה נבוא מאיליו לטיב המקורות עצמם.

לפי הביאור שבפ"א שתי הידיעות היסודיות הן ידיעה בתחלה וידיעה בסוף. והידיעה עצמה היא אך ורק ידיעת טומאת הגוף, ותו לא מדי. לעומת זה הן הידיעות היסודיות לפי הביאור שבפרק ב' ידיעת טומאת הגוף וידיעת הקדושה. והקדושה פירושה הן קדש והן מקדש. ופה ושם מסתעפות שתי הידיעות היסודיות ע"י ההרכבים האפשריים לארבע.

מזה שלפנינו בהחלט שני ביאורים שונים להלכה הקדומה<sup>77</sup> המהווים שני מקורות שונים שיסודם בשיטות ובישיבות שונות.

בפרק שני איתא פלוגתת רבי אליעזר-רבי עקיבא-רבי ישמעאל. כולם בני הדור של חכמי יבנה שמלפני מרד בר כוכבא. לא כן בפרק ראשון, שם איתא פלוגתת רבי יהודה-רבי שמעון-רבי מאיר, ובכן פה חכמים מתלמידי רבי עקיבא שאחר מרד בר כוכבא.

ועוד, הביאור שבפרק שני הוא בהחלט בשיטת רבי ישמעאל: לחייב על העלם טומאה ועל העלם מקדש, ובפירוש נגד שיטת רבי עקיבא: ואינו חייב על העלם מקדש. לעומת זה הולם הביאור בפרק ראשון היטב את שיטת ר"ע.

לכן הדעת נותנת שבפ"ב לפנינו מקור שיסודו בבית מדרשו של רבי ישמעאל או לכה"פ באיזה בית מדרש שהלך בשיטת ר"י. לא כן המקור בפ"א, הוא נובע מבית מדרשם של תלמידי ר"ע. רבי יהודה, ר"ש ור"מ החולקים שם הם כנראה

74 והידיעות אולי הלכו ונשנו ע"י מקדש ונטמא בעורה אגב ההמשכים שם. ע"י מקדש איתא: אחד הנכנס לעזרה וכו', וע"י נטמא בעורה איתא: והשתחוה או ששהה בכדי השתחוואה וכו', ועוד שם: ואיו מצות עשה וכו'.

75 עמ"ש בספר היוכל לזכור בלוי עמ' 149 ובהערה שם. שם אני מעיר על תופעה זו על יד דונמא אחרת.

76 ע' כריתות פ"א מ"ב.

77 במאמרי שבספר היוכל לזכור בלוי הני' אני משתדל להוכיח שבמשניות ב"ק פ"א-פ"ו לפנינו שני מקורות המכילים שני ביאורים שונים למשנה הקדומה שבראש המסכת.

א"כ מובא באמת בפרק זה קדם כל שתי ידיעות יסודיות ההולכות ומסתעפות לארבע. וכל הצעת החומר היא הגיונית ולפי פרינציפיון סדורי עניני. בראשונה שתי ידיעות שהן ארבע. ולרגלי הפלגותא שבין רבי יהודה ובין ר"ש ור"מ בא המקור המכיל שיטת ר"ש עם השו"ט הכרוך בה. אח"ז דנים גם ע"ז: זרזון טומאת מקדש וקדשיו ומסיימים בבירור ענין הכפרה שעל שאר עברות.

אחכ"ז אפשר להגיד בהחלט שכבר בפ"א מ"ב לפנינו ביאור להלכה הקדומה: ידיעות הטומאה שנים שהן ארבע. כי במשנה זו שתי ידיעות הטומאה שהן ד'. השתים הן: א' ידיעה בתחלה, ב' ידיעה בסוף. והארבע הן: א' ידיעה בתחלה ובסוף, ב' אין ידיעה לא בתחלה ולא בסוף, ג' ידיעה בתחלה ואין ידיעה בסוף, ד' אין ידיעה בתחלה אבל יש ידיעה בסוף. לפי"ז גם כאן כמו בשבת פ"א מ"א ובנועים פ"א מ"א ובשבועות פ"ג מ"א הביאור באופן בלתי אמצעי ע"י המשפט העומד להתבאר. ואחר הביאור בא החומר השייך גם כן הנה.

## XXIV

והנה עוד פרק ב' והביאור שם להלכה: ידיעות הטומאה שנים שהן ארבע. במשניות פ"ב מ"א ולהלן הולכות ונשנות שלש ידיעות על יד שלשת נושאים שונים. הנושאים הם: א' קדש, ב' מקדש, ג' נטמא בעזרה. ואלה הם הידיעות על נושאייהן: א' נעלמה ממנו הטומאה אבל זכור (1) את הקדש, (2) את המקדש בכניסתו לתוכו, (3) את המקדש בנטמא בעזרה. ב' זכור את הטומאה אבל נעלם ממנו (1) הקדש, (2) המקדש, (3) המקדש בנטמא בעזרה. ג' נעלמה ממנו הטומאה ונעלם ממנו (1) הקדש, (2) המקדש, (3) המקדש בנטמא בעזרה.

פה בל"ם ביאור להלכה שלנו, אלא שהשאלה היא עתה, מי הן שתי הידיעות היסודיות ומי הן הארבע היוצאות מאלו השתים. על שאלה זו דנים בסוגיא שם י"ד ב'. גם המפרשים מרחיבים עליה את הדיבור<sup>72</sup>. בסוגיא עצמה שם כבר איתא: איכא דאמרי א"ר פפא לעולם תמני הויין וכו'. מלבד זה יש גם שינוי נוסחא לטקסט שלפנינו<sup>73</sup>. לכן ארשה לי גם אני להציע פה את הנלפע"ד בבירור שאלה זו. לדעתי הביאור שבמשניות אלו להלכה: ידיעות הטומאה ב' שהן ד' הוא כזה: שתי ידיעות הטומאה היסודיות הן: א' ידיעת טומאת גופו, ב' ידיעת הקדושה, הן קדושת קדש הן קדושת מקדש ואין מבחינים בקדושה. וארבע ידיעות הטומאה היוצאות משתים אלו הן: א' יודע את הקדושה ונעלמה ממנו טומאתו, ב' יודע את טומאתו אבל נעלמה ממנו הקדושה, ג' אינו יודע לא את טומאתו ולא את הקדושה, ד' יודע את טומאתו וגם את הקדושה, ובכך פשוט מזיד במקום ששלש הראשונות הן שוגג.

<sup>72</sup> ע' לעיל הערה 68.

<sup>73</sup> ע' רש"י ותוספות ודקדוקי סופרים שם.

שנים שהן ארבע, או ע"י המקור המכיל משפט זה הביאור המוסב עליו. ועל החומר האחר לבוא רק אחר הצעת ביאור זה.

לפיכך הדעת נותנת שעלינו בראש ובראשונה לחקור את המשניות ב'–ז' שבפרק א' ולהוכיח אם אין שם בשום אופן למצוא את הביאור המבוקש להלכה: ידיעות הטומאה ב' שהן ד'. כי כל זמן שלא נוכחנו שבהחלט אין שם ביאור זה אין שום טעם לדבר לחפש איזו דרך שהיא אחרת ליישב סדרן של משניות אלו. לכן נראה עוד הפעם את החומר ונבדקו עתה מבחינה זו.

### XXIII

ז' המשניות ב'–ד' בבא א' שבפ"א: כל שיש בה ידיעה בתחלה וידיעה בסוף וכו' יש בה ידיעה בתחלה ואין בה ידיעה בסוף וכו' אין בה ידיעה בתחלה אבל יש בה ידיעה בסוף וכו' ועל שאין בה ידיעה לא בתחלה ולא בסוף וכו' דברי רבי יהודה רש"א וכו' רמ"א וכו'.

כשנגשים למשניות אלו מנקודת ראות מספר הידיעות ומהותן מוצאים בהן תמונה כזו: מדובר כאן מפורש על שתי ידיעות שונות בנוגע לטומאת האדם והן: ידיעה בתחלה וידיעה בסוף. קדש ומקדש אינם באים כאן כלל וכלל בחשבון, הם ידועים מתחלה ועד סוף ואין להם שום ענין לבעיה ידיעות הטומאה שנים שהן ארבע. ובכן שתי הידיעות היסודיות הן ידיעה בתחלה וידיעה בסוף. ולשתי ידיעות אלה ארבע אפשרויות שונות שלהן כפרות שונות: א' ידיעה בתחלה וידיעה בסוף והעלם בינתיים הרי זה בעולה ויורד, ב' ידיעה בתחלה ואין ידיעה בסוף שעיר הנעשה בפנים ויה"כ תולה, ג' אין ידיעה בתחלה אבל יש בה ידיעה בסוף שעיר הנעשה בחוץ ויה"כ מכפר, ד' אין ידיעה לא בתחלה ולא בסוף שעירי רגלים ושעירי ר"ח מכפרים. כל זה הוא דברי רבי יהודה. ר"ש ור"מ מודים בעיקר דבריו וחולקים עליו רק באי אלה פרטים.

ובמ"ד בבא ב'–מ"ה איתא: היה רבי שמעון אומר שעירי ר"ח מכפרין וכו' רבי שמעון בן יהודה אומר משמו שעירי ר"ח מכפרין וכו'.

ובכן, מובאות שתי מסורות שונות אליבא דרבי שמעון, ובשתייהן גם יחד ש"ט בין ר"ש ובין החכמים החולקים עליו. המסורת הראשונה: היה ר"ש אומר וכו', היא כשיטת ר"ש במשנה הקודמת. ונראה שכל הקטע המכיל שיטת ר"ש בשתי נוסחאות הוא מקור אחד שלם<sup>71</sup>. והמשנה הקודמת (מ"ד בבא א'): רש"א שעירי רגלים מכפרין וכו', שואבת כנראה ממקור זה.

מ"ז ועל זדון טומאת מקדש וקדשיו שעיר וכו', מדברת כבר על ענין אחר. עד הנה דנו על השוגג ופה עוסקים כבר במזיד. וההמשך: ועל שאר עברות וכו' אחד ישראל ואחד כהנים וכו', מוקדש לשאלת כפרה שעל שאר עברות.

<sup>71</sup> וזה לכל הפחות גם אחד הסבות מדוע מקור זה נקבע כאן, ע"ע ברש"י שם ב' ב' ד"ה רבי שמעון היה אומר.



ידיעת הטומאה ב' שהן ד', בפ"ב מ"א: ידיעות הטומאה ב' שהן ד' נטמא וידע ונעלמה ממנו הטומאה וחכור את הקדש וכו'. וכל המשניות שבפרק ראשון דנות אמנם על ידיעות הטומאה, אבל הן רק מבררות ענינים שונים בנוגע לידיעות הטומאה מבלי לתת עדיין את הביאור ל"שטים שהן ארבע". וביאור זה אינו בא עד פ"ב מ"א. אתמחה, מה ראו לסדר באופן כזה את החומר. הלא במקומות אחרים מביאים כביכול ציתות ממשנתו ושם הביאור באופן בלתי אמצעי ע"י הציתות העומדת להתבאר.

בשבת פ"א מ"א איתא: יציאות השבת שטים שהן ארבע בפנים ושטים שהן ארבע בחוץ כיצד העני עומד וכו'. ונראה לעינים ששבת שואב כאן מן המקור שלפנינו בשבועות פ"א מ"א. מ"מ הביאור כיצד באופן בלתי אמצעי אחר המשפט שעליו הוא מוסב. וכן בשבועות פ"ג מ"א: שבועות ב' שהן ד' שבועה שאוכל ושללא אוכל וכו', ובנעעים פ"א מ"א: מראות נעים שנים שהן ארבעה בהרת עזה כשלג שניה לה וכו'.

מדוע דוקא במשנה: ידיעות הטומאה ב' שהן ד', הכניסו בינה ובין הביאור שעליה פרק שלם אחר. בשלשת מקומות האחרים המסדר מציע את הביאור תיכף ומיד ומה טעם הוא הפריד פה בין הרבקים. גם כשנניח ונאמר כאן היה המקום המתאים ביותר לקביעת המשניות של פ"א על ידיעות הטומאה<sup>69</sup> אין בזה עדיין לפרנס את סדרו הנוכחי של החומר. כי סוף סוף אפשר היה להפוך את הסדר ולקבוע בראשונה פרק ב', המכיל את המשנה המהוה את הביאור ואחריו פרק א' (מלבד המשנה הראשונה) המדבר סתם על ידיעות הטומאה.

## XXII

לכן לדעתי במשניות של שני הפרקים הללו לפנינו תופעה אחרת לגמרי. בראש המסכת איתא משנה קדומה<sup>70</sup> בעלת מסגרת חצונית-פורמלית: שטים שהן ארבע. מקור קדום זה מכיל ארבע ענינים: שבועות, ידיעות הטומאה, מראות נעים, יציאות השבת. ענין יציאות השבת מובא בראש מסכת שבת ושם על ידו הביאור שלו. מראות נעים איתא בנעעים פ"א מ"א ביחד עם הביאור שעליהם. שבועות שטים וכו' הולך ונשנה אצלנו בראש פ"ג ושם על ידו תיכף ומיד הביאור: שבועה שאוכל וכו'. ומנקודת ראות הענינית מתחילה מסכת שבועות, ר"ל המסכת הדנה על שבועות באמת בפ"ג.

שני הפרקים שלנו מוקדשים בשלמותם לידיעות הטומאה ומהיום כביכול מסכת לעצמה-מסכת ידיעות הטומאה. ובהתאם לסדר החומר והצעתו במקומות האחרים צריך גם אצלנו להיות קדם כל באופן בלתי אמצעי ע"י המשפט: ידיעות הטומאה

<sup>69</sup> ומסגרתנו יותר מתאימה למשניות אלו מכריתות פ"א מ"ב.

<sup>70</sup> ע' במקור המובא שם ו' א': א"ר יוסי שאל יהושע בנו של רבי עקיבא וכו'. וע"ע בתוספתא נעעים פ"א ה"ג וש"מ.

## XXI

שני הפרקים של מסכת שבועות אינם דנים על שבועות אלא עוסקים בדיעות הטומאה ח"ל:

פרק א'. (א) שבועות שמים שהן ד' ידיעות הטומאה שמים שהן ד' יציאות השבת שמים שהן ד' מראות נעים שנים שהן ד'. (ב) כל שיש בה ידיעה בתחלה וידיעה בסוף והעלם בינתיים הרי זה בעולה ויורד יש בה ידיעה בתחלה ואין בה ידיעה בסוף וכו'. (ג) אין בה ידיעה בתחלה אבל יש בה ידיעה בסוף וכו'. (ד') ועל שאין בה לא ידיעה בתחלה ולא ידיעה בסוף שעירי הרגלים ושעירי ר"ח מכפרים דברי רבי יהודה רבי שמעון אומר וכו' היה ר"ש אומר וכו'. (ה) רבי שמעון בן יהודה אומר משמו וכו'. (ו) ועל זדון מקדש וקדשיו וכו'. אחד ישראלים ואחד כהנים וכו'.

פרק ב'. (א) ידיעות הטומאה שמים שהן ד' נטמא וידע ונעלמה ממנו הטומאה וזכור את הקדש נעלם ממנו הקדש וזכור את הטומאה נעלמו ממנו זה וזה ואכל את הקדש ולא ידע ומשאכל ידע הרי זה בעולה ויורד נטמא וידע ונעלמה ממנה טומאה וזכור את המקדש נעלם ממנו מקדש וזכור את הטומאה נעלם ממנו זה וזה ונכנס למקדש ולא ידע ומשיצא ידע הרי זה בעולה ויורד. (ב) אחד הנכנס לעזרה ואחד הנכנס לחוספת העזרה וכו'. (ג) נטמא בעזרה ונעלמה ממנו טומאה וזכור את המקדש נעלם ממנו מקדש וזכור לטומאה נעלם ממנו זה וזה והשתחוה וכו'. (ד) ואינו היא מצות עשה וכו'. (ה) רבי אליעזר אומר השרץ נעלם ממנו<sup>66</sup> על העלם שרץ חייב ואינו חייב על העלם מקדש רבי עקיבא אומר נעלם ממנו והוא טמא<sup>67</sup> על העלם טומאה חייב ואינו חייב על העלם מקדש רבי ישמעאל אומר ונעלם ונעלם שתי פעמים לחייב על העלם טומאה ועל העלם מקדש.

פ"ג מדבר כבר על עניני שבועות ומתחיל בזה"ל: שבועות שמים שהן ארבע שבועה שאוכל ושלא אוכל שאכלתי ושלא אכלתי וכו'. ומכאן ואילך מוקדשת כבר כל המסכת כולה לדיני שבועות.

כבר סוגית התלמוד שם ג' א' מעירה על משנתנו ח"ל: מני מתניתין לא רבי ישמעאל ולא רבי עקיבא אי רבי ישמעאל האמר אינו חייב על העתיד לבא אי רבי עקיבא האמר על העלם טומאה הוא חייב ואינו חייב על העלם מקדש. הסוגיא שם משתדלת לתרץ את הקושיא ונכנסת לשינויים דחוקים, ע"ש<sup>68</sup>. אכן קושיא זו יסודה בעיקר בפ"ב מ"א ובסוגיא שם י"ד ב' המכילה את הביאור למשנה. לכן נראה נא גם את הביאור למשנה: ידיעות הטומאה שמים שהן ארבע.

בסוגיא שם ג' א' איתא: ידיעות<sup>68</sup> הטומאה שמים שהן ארבע שמים ידיעות טומאת קדש וידיעות טומאת מקדש שהן ארבע קדש ומקדש. לפי"ז הביאור למשנה:

66 ז"ל הפסוק בויקרא ה', ב': או בנבלת שרץ טמא ונעלם ממנו והוא טמא ואשם.

67 על סוגיא זו אני מרחיב את הדבור בבית-שמואל ח"א עמ' 26f.

68 זה הוא לשון הסוגיא שם ג' א'. ודברים אלה הם תמצית הסוגיא שם י"ד ב'. ע"ש ברש"י

ובתוס' ובפה"מ לרמב"ם. וע"ע להלן במאמרנו.

כבר העירו<sup>64</sup>, שיסוד ההלכה: הניח אחיו מעות וכו', בכתובות שם פ"ח מ"ג: נפלו לה כספים ילקח בהן קרקע וכו'. ההלכה: נפלו לה כספים ילקח בהן קרקע וכו', המדברת על אשה רגילה, העברה גם על היבמה. אמנם אין כאן לפנינו העברה רגילה ופשוטה. כי יש פה שניונים בענין ובסגנון המראים שכאן יותר מהעברה<sup>65</sup>. אבל איך שיהא מכל מקום נראה שביבמות לפנינו המקור בצורתו הראשונית. המקור שבו השתמשו ביבמות ובכתובות גם יחד הכיל רק זה מה שאיתא ביבמות. לא כן בכתובות, שם הכניסו לתוך מקור זה ההרחבה: הניח אחיו מעות וכו', הנמצאת בין המשנה: שומרת יבם שנפלו לה נכסים וכו', ובין המשנה: כנסה הרי היא כאשתו וכו'. מלבד זה הוסיפו על מקור המשך במ"ח שם: לא יאמר לה הרי כתובתיך מונחת על השלחן וכו'. והרחבות אלו נולדו ונתוספו בכתובות מפני ששם המקום לבעיות אלו. שם המקום לברור דיני זכות הבעל בנכסי אשתו, לכן שם בהכרח להכנס גם לפרטים כאלה בנוגע ליבמה. אחרת ביבמות, שם מדובר רק דרך כלל על המצב המשפטי ההולך וגוצר ע"י מיתת האח שלא השאיר אחריו בנים. משום זה לא היה מן הצורך להוסיף שם עוד פרטים על המקור שלנו.

\* \* \*

מכל זה יוצא שמקורות קדומים שקעו במשנתנו. ולפעמים הרחיבו מקורות אלה ע"י הוספות והשלמות באופן כזה שהכניסו את ההרחבות לתוך טקסט הקדום פנימה. תופעה זו נמצאת הן במקורות קדומים שלהם צורת קובץ הן במקורות כאלה שאין להם צורה כזו. ובכמה מקומות נראה שהרחבות הללו נתוספו על המקור הקדום בו במקום שהוא מונח עתה לפנינו. לכן יש מקום להגיד, שזה היה מדרך מסדר משנתנו להשתמש ככה במקורות שהיו בידו.

כל התופעות שמצאנו במשניות שבפ"ב בערכין הן לפי"ז אמנם לא מצויות ושכיחות הרבה. אבל גם בודדות אינן. פה ושם אפשר למצוא דוגמת כולן. משום זה להן במדה ידועה ערך של כללים כביכול המסוגלים להפיץ אור על אי אלה מקומות קשים במשנתנו.

והנה כדאי כאן להעיר על אי אלו תופעות אחרות במשנתנו הקרובות מבחינה ידועה לאלו שעליהן דברנו עד הנה. כי גם הן מוליכות אותנו בכוון בעית המקורות ששמשו אבני בנין למסדר משנתנו וגם בהן תועלת להבנת המשנה. תופעות כאלו נמצאות הן במשניות יחידות הן בפרקי משנה שלמים. בראשונה אציע דוגמא מפרקים שלמים ואח"כ כאלו ממשניות יחידות.

64 ע' א"ב ק שם עמ' 15f.

65 פה: מעות, ושם: כספים. פה בדברי החכמים: והתלושין מן הקרקע כל הקודם זכה בהן קדם הוא זכה קדמה היא ילקח בהן קרקע והוא אוכל פירות. ושם במקום זה: והתלושין מן הקרקע שלה וילקח בהן קרקע והוא אוכל פירות. זה כבר יותר מהעברה פשוטה. לענין עצמו ע"ע בתוספתא רפ"ט.

בפ"ו מ"ב מתחילים בענין חדש לגמרי – בשאלת נדוניה: הפוסק מעות לחתנו וכו'. וכל הפרק כולו מוקדש לבעיה זו.

פ"ז מ"א–מ"ה מברר ענין הנדרים שבהם הדין: יוציא ויתן כתובה. ומוה במ"ו: ואלו יוצאות שלא בכתובה וכו', ובמ"ז: המקדש את אשתו על מנת שאין עליה נדרים. . . ע"מ שאין בה מומין תצא שלא בכתובה וכו'. לרגלי זה כבר במ"ח: היו בה מומין ועודה בבית אביה וכו', ובמ"ט: האיש שנולדו בו מומין אין כופין אותו להוציא וכו'. ומוה במ"י: ואלו שכופין אותו להוציא מוכה שחין וכו'.

בפ"ח עוברים לענין אחר, לבידור זכות הבעל על נכסי אשתו עד שלא תתארס ואחר האירוסין והנשואין. מ"א–מ"ה: האשה שנפלו לה נכסים<sup>63</sup> עד שלא תתארס וכו' נפלו לה משנתארסה וכו' נפלו לה משנישאת וכו' נפלו לה כספים ילקח בהם קרקע וכו' נפלו לה עבדים וכו'. במשניות הללו מדברים על אשתו ובמשניות הבאות דנים על אותו הענין עצמו בנוגע לייבמה. מ"ז–מ"ח: שומרת יבם שנפלו לה נכסים וכו' הניח אחיו מעות ילקח בהן קרקע וכו' כנסה הרי היא כאשתו וכו' לא יאמר לה הרי כתובתיך מונחת על השלחן וכו'. זאת היא מסגרת משנתנו במסכת כתובות.

## XX

תארנו כאן בשרטוטים כלליים את הסדר הפנימי של החומר ביבמות ובכתובות בערך עד אותו המקום ששם נמצאת המשנה המעניינת אותנו כאן. תיאור קצר זה כבר מבליט למדי את המעברים שבין ענין לענין ומראה שאין ערבוביה בהצעת החומר. להפך הכל אומר משטר וסדר. לא במקרה מצאה הלכה פלונית את מקומה כאן ולא במקום אחר. באופן בולט להכיר בכל מקום ומקום את היד המסדרת המציעה את החומר שפניה עפ"י תכנית מסוימה ומוכנה מראש. כמובן שעל המסדר בפעולתו זו להתחשב גם כן במצב המקורות ששמשו לו אבני בנין. כמו כן היה מן ההכרח להביא בחשבון בירור עניני הגם צדדי של איוו בעיה שבה נגעו או שעליה דנו. כל זה מוצא את ביטויו בתופעות כמו קבצים שלמים ואיקסקורסים וכיוצא בזה. ובוה גם לפרנס ולבאר תופעות ורות וקשיים אחרים בנוגע לסדר החומר והצעתו, כגון הלכות ומשפטים ההולכים ונשנים, ערבוביה מרומה, וכדומה לזה. כל זה הולך ומתלבן לעיני קורות הטקסט והתהוותו. ממסגרת החומר וסדרו רואים גם כן שבנוגע למשנה שלנו לפנינו ביבמות ובכתובות אותו המקור עצמו. וגם ביבמות וגם בכתובות מקבלים את הרושם שהמשנה שלנו לא נוצרה לא פה ולא שם. לפי"י יבמות וכתובות גם יחד שואבות מאיזה מקור שלישי. השאלה היא עתה, מה היו פני המקור הראשוניים. האם צורתו המקורית ביבמות, ובכתובות נתוספה עליו ההלכה: הניח אחיו מעות וכו'; או להפך, המקור בשלמותו הוא בכתובות, וביבמות לפנינו קיצור בלבד.

63 למשנה זו ע' בברייתא שם ע"ח רע"ב ובנ"ש. ישנו הרושם שפה נקלעו שתי מסורות שונות נעשו לטקסט אחד. לתופעה זו כשלעצמה ע' לעיני הערה 4.

## XIX

זה הוא בערך המסגרת ביבמות והנה נראה עוד את המסגרת בכתובות.  
על שני הפרקים הראשונים של מסכת כתובות אפשר להגיד דרך כלל שהם  
מוקדשים לשאלת כתובות מנה ומאתים. לפ"א מ"א מעין אופי של מבוא. המשניות  
הבאות עד מ"ז מבררות ל"מי כתובת מנה ול"מי כתובת מאתים. המשניות ח'–י'  
הן איסקורס<sup>54</sup>. בפ"ב מ"א שבים לכתובת מנה ומאתים. ולהלן במשניות ב'–  
י' שוב לפנינו איסקורס<sup>55</sup>.

בפ"ג מדובר על קנס, בושת ופגם וצער. מ"א–מ"ג עוסקות בקנס. מ"ד מבררת  
ענין התשלומין של אונס ומפתה. המשניות ה'–ז' הן בעיקר הדבר תוספת ביאור  
והרחבה<sup>56</sup>. למשנה הקודמת (מ"ד). מ"ח מכילה כלל בנוגע למכר וקנס<sup>57</sup>. מ"ט  
מוקדשת לבירור טיב המושג קנס<sup>58</sup>.

אחרי כתובת מנה ומאתים מחד גיסא וקנס ובושת ופגם וצער מאידך גיסא  
קובעים בפ"ד מ"א–מ"ב את התנאים שבהם סכומים אלה לאביה. במ"ג מדברים  
על המוציא שם רע. ובוה מסיימים את הבירורים על התשלומים השייכים כביכול  
לבת והאב מקבלם. ומוה במשניות ד'–ו' לבירור הזכויות וההתחייבויות של האב  
לבתו והבעל לאשתו. אח"כ במשניות ז'–י"ב על התחייבויות הבעל לאשתו מכח  
תנאי ב"ד, שכחן יפה גם כשלא נכתבו<sup>59</sup>.

בפרק ה' מ"א דנים על תוספת כתובה ועל כתובה קטנה ממנה ומאתים. מ"ב–  
מ"ג מדברות על פרנסת האשה לפני הנשואין. לרגלי זה במ"ד: המקדיש<sup>60</sup> מעשה  
ידי אשתו הרי זו עושה ואוכלת וכו'. המשניות ה'–ט' עוסקות בשאלת ההתחייבויות  
ההדריות של הבעל ואשתו<sup>61</sup>. פ"ז מ"א חוזרת במדה ידועה לענין שכבר דברו  
עליו: מציאת<sup>62</sup> האשה ומעשה ידיה לבעלה וכו'. למשנה זו כביכול גם אופי של סיום.

<sup>54</sup> לא מן הנמנע שאיסקורס זה ביחד עם שתי המשניות הקודמות היו לפנים מקור לעצמו.

<sup>55</sup> איסקורס זה נולד כנראה במסגרתו הנוכחית.

<sup>56</sup> מ"ו: 'תומה שנתארסה ונתגרשה רא'א המפתה פטור והאונס חייב, היא בעיקר הדבר  
הוספה, שמצאה משום זה את מקומה בין המשניות הביאוריות, מפני שגם היא מכילה הבחנה בין  
אונס ובין מפתה.

<sup>57</sup> הבהא המכילה את הכלל נובעת מחולין פ"א מ"ז. ופה נחוסף הביאור, ע' לעיל ע"י  
הערה 15.

<sup>58</sup> נ"ק שמשנה זו נובעת משבועות פ"ה מ"ד ומ"ה אלא שלא כאן צורה מקוצרה וגם התאמה  
למסגרת. היא מסיימת ב. כל המשלם יתר על מה שהזיק אינו משלם עפ"י עצמו.

<sup>59</sup> סוג התחייבויות אלו שונה שינוי יסודי מסוג ההתחייבויות המובא בפ"ה מ"ז ולהלן,  
ההתחייבויות שם הן אשיות, ע' להלן בהערה 61.

<sup>60</sup> הקשר בין משנה זו ובין המשנה הקודמת בא היטב לידי ביטוי בחוספתא פ"ה ה"ב, ע"ש.

<sup>61</sup> מ"ה: אלה מלאכות שהאשה עושה לבעלה וכו', מ"ו: המדיר את אשתו מתשמיש וכו',  
מ"ז: המורדת על בעלה וכו', מ"ח: המשרה את אשתו ע"י שלישי וכו', מ"ט: נותן לה מעה כסף  
לצורכה וכו'. ע"ע לעיל ע"י הערה 59.

<sup>62</sup> הלכה זו נמצאת כבר באמת לעיל שם פ"ד מ"ד. וכבר סוגית התלמוד שם ס"ה סע"ב  
מעירה ע"ז, ע"ש. ובוראי לפנינו פה שני מקורות שונים. זה יוצא במדה ידועה מן הסוגיא שם.  
וע"ע אלבק בספרו הנ"ל עמ' 44.

בגדול לביבס<sup>49</sup> לא רצה מהלכין על כל האחין וכו' תלה בקטן עד שיגדול . . . אין שומעין לו אלא אומרים לו עליך מצוה או חלוץ או יבם. כי כשדברו כבר על "כנסה" מבררים בהזדמנות זו על מי מן האחים לכנוס. מ"ז בבא א': החולץ ליבמתו הרי הוא כאחד מן האחין לנחלה וכו' הכונס את יבמתו זכה בנכסים של אחיו וכו'. ובכן בירור דיני ירושת האח המת בחליצה וביבום. אח"ז פונים לצד האיסורים. מ"ז בבא ב'–מ"ט: החולץ ליבמתו הוא אסור בקרובותיה וכו' החולץ ליבמתו ונשא אחיו את אחותה וכו' שומרת יבם שקירש אחיו את אחותה וכו'. ובמ"י: היבמה לא תחלוץ ולא תתיבם עד שיש לו ג' חדשים וכו'<sup>50</sup> כל שאר נשים וכו'. ובכן עומדים עוד באיסורים אלא שגנשים לצד היותר מעשי. לגדר זה נכנסות גם מ"א–מ"ב: ארבעה אחין וכו' המחזיר גרושתו והנושא קרובת חליצתו יוציא והוליד ממור דברי רבי עקיבא וכו'. ולרגלי הדין: והוליד ממור דברי ר"ע וכו', בא כסיום מ"ג<sup>51</sup>: איזה ממור<sup>52</sup> כל שאר בשר שהיא בלא יבא דר"ע שמעון התימני אומר כל שחייבין עליו כרת בידי שמים והלכה כדבריו רבי יהושע אומר כל שחייבין עליו מיתת בית דין וכו' אשתו שמתה מותר באחותה וכו' חלץ לה ומתה מותר באחותה וכו'.

המשניות פ"ה מ"א ולהלן דנות כבר על צד אחר שביבום, הן עוסקות בבירור היחס ההדדי שבין גט, מאמר, חליצה ובעילה מנקודת מבט זיקת היבמה<sup>53</sup>.

<sup>49</sup> ההלכה: מצוה בגדול לביבס, נמצאת אמנם כבר לעיל פ"ב מ"ח, אבל לה פה ושם מטרת שונות. מתפקיד המשניות כאן לברר את כל הבעיה בכלל ולקבוע את זכויותיו של הגדול שבאחים בפרט. לעומת זה יש שם חליצה ויבום גם יחד והשאלה היא מי מן האחין חולץ ומי מהם מיבם. ע"ע לעיל הערה <sup>45</sup>.

<sup>50</sup> כאן ישנו איקסקורס קצר.

<sup>51</sup> משנה זו וגם המשנה הקודמת עושות רושם של מקורות קדומים שונים.

<sup>52</sup> בנוגע לצרת הבת יש מחד גיסא הפלגותא בין ב"ש וב"ה ומאידך גיסא פלגותא אמוראים הידועה: עשו כדבריהם, או: לא עשו כדבריהם. ונראה שהבעיה של צרת הבת ביחד עם השאלה עשו או לא עשו כדבריהם קשורות גם בבירור השאלה: איזה ממור. בחומר הנתון המונח לפנינו יש בנדרן זה גם שטות שונות וגם נוסחאות שונות. מכל זה מקבלים את הרושם שקורות הבעיות הללו היו בערך כאלה: בענין צרת הבת לא היתה עדיין הלכה פסוקה וקבועה כלל וכלל. היות זה איננו מן המעשים המתרחשים בכל יום ויום כשאירע לפעמים מעשה כזה נהגו כמו שנהגו, זה בכה וזה בכה. וכשרצו להכניס סדר אחד בענין זה ולקבוע הלכה פסוקה למעשה המאחדת את כל העם כולו נולדה בנדרן זה פלגותא ב"ש וב"ה. בעקבות פלגותא זו, שמטרתה היתה לשים קץ למצב ההלכה הבדלי ברור בבעיה כצרת הבת הנכנסת לגדר ענין ממור, נתעוררה גם השאלה: איזה ממור. והעמדות השונות בשאלה: איזה ממור, כרוכות בהתפתחותו של בירור בעית צרת הבת וסדורה. הדעת נותנת ששטת ב"ה בצרת הבת לא נתקבלה תיכף ומיד כהלכה למעשה פסוקה וקבועה. ועוד, הלא סוף סוף עמדו כעת עדיין לפני השאלה החמורה: מה נעשה להם לצרות הראשונות. וזה מפני אור מיוחד על עמדת רבי יהושע בשאלה: איזה ממור. רבי יהושע כזן מחכמי ב"ה עומד עדיין קרוב לכל הפרוצס של קביעת הלכה למעשה. בענין צרת הבת. בהתאם לזה אומרת עמדתו בשאלת איזה ממור: כל שחייבין עליו מיתת ב"ד, כי אחרת מה נעשה להם לצרות הראשונות. בעלי העמדות האחרות אינם כבר כה קרוב לפרוצס זה ואין להם כבר להתחשב בו.

<sup>53</sup> רש"י בראש הפרק שם נ' א' מברר כבר את הסדר הפנימי של המשניות שם.



דנים על השאלות: א' איזה אח וזקק אשת אחיו ליבום, ב' איזה בן פוטר אשת אביו מן היבום. משנה ו'—ו' עוסקת בספק יבמה, ובכך, ג' איזו אשת האח המת עולה ליבום. דרגלי בעיה זו באים מחד גיסא לענין של שני יבמים שאחד מהם חולץ והשני מיבם ומאידך גיסא ל' כנסו אין מוציאין מידם". ואגב שני האחים שאחד חולץ ואחד מיבם באה מ"ח בבא א': מצוה<sup>45</sup> בגדול ליבם ואם קדם הקטן זכה. מכאן, ר"ל מ"ח בבא ב': הנטען על השפחה וכו', ועד סוף הפרק מעין איסקורס שכנראה מצא מפני זה את מקומו פה משום שהוא מביא בתחלה<sup>46</sup> ענינים שגם בהם הדין הוא: לא יכנס ואם כנס אין מוציאין מידו—אעפ"י שכנס יציא.

המשניות שבפ"ג עושות רושם של מקור לעצמו בעל מסגרת סדורית משל<sup>47</sup>: ארבעה אחין—שלושה אחין—שני אחין<sup>48</sup>—שנים. משום זה קבעו כנראה מקור זה כאן מפני שהוא מתחיל בהלכה שבה הדין: ואם קדמו וכנסו יציאו. וכחמשך ההלכה: ומפרישין אותן ג' חדשים שמא מעוברות הן וכו', המסיימת פרק זה, באות המשניות פ"ד מ"א—מ"ב: החולץ ליבמתו ונמצאת מעוברת וכו' הכונס את יבמתו ונמצאת מעוברת וכו'.

בפ"ד מ"ג—מ"ד עוסקים בדנינים ובאיסורים הכרוכים בזיקה, בחליצה וביבום: מ"ג מדברת על: שומרת יבם שנפלז לה נכסים וכו'. במ"ד איתא: כנסה הרי היא כאשתו לכל דבר ובבלבד שתהא כתובתה על נכסי בעלה הראשון. ובכך, בירור דיני היבמה ונכסיה לפני היבום ולאחריו. אחר זה כהמשך עניני מ"ה—מ"ו: מצוה

<sup>45</sup> הלכה זו הולכת משום זה ונשנית פה מפני שלה כאן מטרה והוראה מיוחדת. גם כשאחד חולץ ואחד מיבם מצוה בגדול ליבם, ואעפ"י כן אם קדם הקטן זכה. מ"מ עיקר החדוש הוא: אם קדם הקטן זכה, ולזה מעין ערך של ביאור והגבלה להלכה הקדומה: מצוה בגדול ליבם. ע"ע להלן הערה <sup>49</sup>.

<sup>46</sup> לרגלי ההלכה: הנטען על אשת איש וכו', בסמ"ח באה מ"ט: המביא גט ממדינת זרים וכו', ומ"י: החכם שאסר וכו'. כי גם פה אותו החשד עצמו.

<sup>47</sup> בזה אפשר גם לפרנס את השנות ההלכה בפ"ב מ"ג: כלל אמרו ביבמה כל שהיא איסור ערוה לא חולצת ולא מתיבמת איסור מצוה ואיסור קדושה חולצת ולא מתיבמת אחותה שהיא יבמתה או חולצת או מתיבמת, ובפ"ג מ"ב ומ"ג: היתה אחת מהן אסורה על האחד איסור ערוה אסור בה וכו' איסור מצוה ואיסור קדושה חולצת ולא מתיבמת וכו' וזו היא שאמרו אחותה כשהיא יבמתה או חולצת או מתיבמת. ובכך בעיקר הדבר בשני המקומות אותו התוכן, אלא שפה ושם צורה ספרותית אחרת לתוכן זה. בפ"ב מ"ג לפנינו צורה קצרה של כללים ובפ"ג מ"ב ומ"ג צורה רחבה של הרצאה המטשטשת את האופי של כללים. ורק שם בסוף מ"ג הלשון: וזו היא שאמרו וכו', ובכך כביכול הבאת כלל. אכן העובדא, שבמ"ד שבפ"ב לפנינו בעיקר הדבר ביאור למ"ג שם (ע' לעיל הערה <sup>44</sup> בסופה), מוכיחה במדה מרובה שבפ"ב מ"ג מקור קדום בצורה ראשונית. ומה שפ"ג מ"ב ומ"ג הוא כביכול פרפרזה של מקום קדום זה. איברא כל זה בנוגע ליחס הטקסטי שבין שני הקטעים הללו, אבל לא כן הוא היחס המקורי. כי כנראה הוא כל פרק ג' מקור לעצמו שאין לו שום יחס מקור למשניות הקודמות (ע"ע בבבלי שם כ"ח א' וב'). לפ"י נראה שפרק ג' השתמש במקור שבפ"ב מ"ג עוד טרם שימצא את מקומו במסגרתו הנוכחית.

<sup>48</sup> כדאי כאן להביע את ההשערה שפ"ב מ"ז נובעת אולי ממקור זה. היא הובאה שם כי גם היא דנה על ספק יבמה. והיות היא מובאה כבר בלשונה ובהיותה בפ"ב נשמטה כאן. אכן ע"ע בתוספתא פ"ד ה"א.



הוא היה עוד נקי מכל הוספה והרחבה. וגם על הציתות שהובאו ממנו במקום אחר במשנה נתוספו שם במסגרתן החדשה הוספות והרחבות. הוספות והרחבות הללו נובעות לפעמים מתוכן המסגרת החדשה ולפעמים יסודן באיזה מקור אחר.

## XVII

דהנה עוד דוגמא אחת הנוגעת במשנה רגילה ואינה נכנסת כלל לגדר של קובץ. אני מתכוון למשנה המקבילה שביבמות פ"ד מ"ג-מ"ד ובכתובות פ"ח מ"ו-מ"ז.  
ז"ל המשנה ביבמות שם: שומרת יבם שנפלז לה נכסים מודים ב"ש לב"ה וכו' נכסים הנכנסים ויוצאים עמה בחזקת יורשי האב כנסה הרי היא כאשתו וכו'.  
משנה זו איתא מלה במלה גם בכתובות שם, אלא שבכתובות יש בין החלק הגומר ב: נכסים הנכנסים ויוצאים עמה בחזקת יורשי האב, ובין החלק המתחיל ב: כנסה הרי היא כאשתו וכו', עוד הלכה זו: הניח אחיו מעות וכו' קרמה היא ילקח בהן קרקע והוא אוכל פירות.  
השאלה היא עכשיו, מה הוא היחס הטקסטי שבין יבמות וכתובות. האם כאן לפנינו שני מקורות שונים או מקור משותף בשני המקומות גם יחד. ואם לפנינו מקור אחד איפה צורתו הראשונית. אכן טרם שנגש לבירור שאלה זו לא למותר יהיה לראות את כל המסגרות שבהן נמצאת מקביליה זו ולחקור את הפרינציפיון הסדורי שמשם יסוד להצעת החומר וסדרו.

## XVIII

סדר החומר והצעתו בחמשת פרקים הראשונים של מסכת יבמות הוא כנראה כזה<sup>43</sup>:  
המסכת מתחילה במשנה הכללית: חמש עשרה נשים וכו', המהוה כביכול מבוא לכל המסכת. המשניות מכאן ועד פ"ב מ"ד הן בעיקר הדבר ביאור למשנה: חמש עשרה נשים, כי רובן<sup>44</sup> באות באמת רק לבאר משנה זו.  
אחרי כביכול מבוא זה בא בירור מושגי יבום היסודיים בכלל. בפ"ב מ"ה

43 ע' מאירי בפתיחתו ליבמות.

44 מ"ג: שש עריות חמורות וכו', ומ"ד: ב"ש מתירין וכו', יוצאות כמובן מכלל זה. ישנו הרושם ששתי משנות אלו ביחד עם המשנה הראשונה: חמש עשרה נשים וכו', מהוות פה את השכבה הקדומה. ושכבה קדומה זו הרחבה שתי פעמים ע"י תוספות ביאוריות. התוספות הן הטקסט החל מפ"א סמ"א: ואי אתה יכול לומר בחמותו וכו', ועד סמ"ב שם והמשניות שבפ"ב מ"א ומ"ב. ואגב שתי המשניות הראשונות שבפ"ב באות כבר שתי המשניות הבאות, ר"ל פ"ב מ"ג ומ"ד. בפ"ב מ"א ומ"ב נגעו בשאלה: חליצה או יבום, לכן במ"ג הבאה: כלל אמרו ביבמה וכו', ובכן כללים הנכנסים לגדר זה. ולרגלי זה שפה נזכרים המושגים: איסור מצוה, איסור קדושה, באה אחריה מ"ד: איסור מצוה שניות מדברי סופרים וכו', המבארת מושגים אלה. ע"ע להלן הערה 47.

ההלכה: האוכל שנטמא באב הטומאה וכו', שבמשנה ד' נמצאת גם בטהרות פ"א מ"ה. ובטהרות שם גם ביאור נוסף<sup>39</sup>.

משנה ה': כל האוכלין מצטרפין וכו', הולכת ונשנית במקואות פ"י ה"ז. כנראה מובאת שם משנה זו לרגלי ההמשך: זה חומר וכו'<sup>40</sup>. במקואות ליתא בבבא א' המשפטים: במזון שתי סעודות לערוב . . . ככותבת ביה"כ, ובבבא ב' ליתא שם המשפט: ובמלא לוגמיו ביה"כ. אולם כשמבררים היטב את המשנה מפאת הסגנון שלה באים לידי הכרה שהמשפטים שאינם במקואות הם במעילה הוספה מאחורה. השיעורין המובאים בהוספה זו מסודרים לפי מדרג גורלם: בראשונה: שתי סעודות<sup>41</sup>, אחריהן: כביצה, ואח"ז: כגרוגרת, ולבסוף: ככותבת. לפי"ז מקומו של השיעור: כחצי פרס, הווה לחצי סעודה בין: שתי סעודות, ובין: כביצה, כי הוא קטן משתי סעודות וגדול מכביצה. ועוד<sup>42</sup>, בטקסט המשותף למעילה ולמקואות גם יחד הסדר הוא כזה, שבראשונה מביאים את הנקודה העניינית: לפסול את הגויה, ואח"כ בא השיעור: בכחצי פרס-ברביעית. לא כן בהוספה המאוחרת, כאן בראשונה השיעורין: במזון שתי סעודות, בכביצה, כגרוגרת, ככותבת, ובמלא לוגמיו, ואחריהם הנקודה העניינית: לערוב, לטמא טומאת אוכלין, להוצאת שבת, ביה"כ, ביה"כ. כששמים עתה לב לזה שדוקא משפטים אלה אינם במקואות, מוכח הוא הדבר שלפנינו במעילה ובמקואות אותו המקור עצמו, והמשפטים הנמצאים במעילה ואינם במקואות הם הוספה מאוחרת.

והנה הקטע הנמצא גם במעילה וגם במקואות הוא מחד גיסא במעילה חלק יסודי מקובץ קדום ומאידך גיסא הוא מובא במקואות כביכול רק דרך אגב. לכן נראה שהמקור הוא במעילה ומעילה שמשנה פה מקור למקואות. ומשנת מקואות השתמשה במקור שבמעילה עוד טרם שתהיה שם ההוספה המאוחרת הזאת, היא הכנסה לתוך הטקסט במעילה אחרי שמקואות שאבה משם.

## XVI

לפי"ז אפשר עכשיו לסכם את המסקנות היוצאות מהשוואת מקור זה שבמעילה פ"ד עם החומר המקביל לו בערך בצורה כזו: בפרק זה יש לנו מקור קדום. אכן מקור קדום זה אינו מונח לפנינו בצורתו הראשונית, כי נתוספו עליו הוספות והרחבות שונות. החומר המקביל שבמקומות אחרים במשנתנו נובע ממקור זה, אלא בו בזמן ששאבו ממנו אותו החומר למקור עצמו עדיין צורתו הקדומה והקפו הראשוני,

39 ע' לעיל הערה 33.

40 ע' לעיל הערה 34.

41 שתי סעודות שוות שם או שמנה ביצים, ע' במפרשים שם.

42 כל זה לרווחא דמילתא. כלומר כשנרצה לפרנס את השינוי בסדר בזה, שרגלי הכיום: כל המשקין מצטרפין לפסול את הגויה, התחילו גם כן בלשון: כל האוכלין מצטרפין לפסול את הגויה. אכן גם בלי כך אין זה מסתבר.

## XV

והנה נראה נא את החומר המקביל שבמשנתנו לקובץ זה<sup>36</sup>.

הבבא: התרומה ותרומת מעשר וכו', שבמשנה ב' איתא גם בערלה פ"ב רמ"א. אלא שבערלה נמצא על ידה באופן בלתי אמצעי גם בבא א' של משנה ו' שלנו: הערלה וכלאי כרם וכו'. מלבד זה בין ערלה ומעילה גם שינויים בצורת הרכבות נוספות<sup>37</sup>. ההוספות הן בערלה המשפטים: וצריך [ואין צריך] להרים, עולים באחד ומאה [ומאתים], רבי אעזרז אומר מצטרפין בנ"ט אבל לא לאסור, ובמעילה המשפט: לאסור ולחייב עליהם את החומש. המשפט הנוסף שבמעילה ליתא בערלה והמשפטים הנוספים שבערלה ליתא במעילה ובכ"ז הדעת נותנת שהיחס הטקסטרי מקורי שבין ערלה ומעילה הוא חיובי. משנת מעילה שואבת מערלה או להפך ערלה שואבת ממעילה או ששתיהן גם יחד-ערלה ומעילה מאיזה מקור שלישי משותף שואבות.

ההרחבה: וצריך [ואין צריך] להרים, עולים באחד ומאה [ומאתים], שבערלה הולמת היטב את המסגרת שם וגם את ההמשך שם: התרומה מעלה את הערלה וכו'. לחלק מן ההרחבה שבמעילה יש מקביליה בב"מ פ"ד מ"ח ו"ט: חמשה חומשין הן האוכל תרומה ותרומת מעשר ות"מ של דמאי והחלה והבכורים מוסיף חומש. והנה עוד המשפט בערלה: רא"א מצטרפין בנ"ט אבל לא לאסור. אכן בסוף הפרק במעילה איתא: רש"א מפני שהן ראויין ל"טמא מושב. וכל קטע זה כולו אומר איחור זמן. גם מלשונו וגם ממסגרתו על נקלה להכיר את האופי של הוספה מאוחרת. אופיו זה מתבלט במדה ידועה ■ ע"י הברייתא שבתוספתא מעילה פ"א ה"ו. ז"ל התוספתא שם: אבני בית המנוגע ועציו ועפריו מצטרפין זע"ז רש"א הבגד והשק והעור והמפץ מצטרפין זע"ז מפני ששוה טפח על טפח משם קצוע. וע"ע בירושלמי ערלה פ"ב סה"ה. שם איתא ברייתא ו"ט: מצטרפין זע"ז בין לאיסור בין להיתר כדי ליתן טעם דר"מ ר"ש אומר אינן מצטרפין רא"א מצטרפין בנותן טעם לא<sup>38</sup> לאסור. נוכח כל זה נוטים לשער, שבין המשפט: רש"א אינן מצטרפין, הנמצא במעילה ובערלה גם יחד, בין המשפט: רא"א מצטרפין בנ"ט אבל לא לאסור, הנמצא בערלה בלבד, הוא הוספה מאוחרת. במקור הקדום לא היה כלום מכל זה. הוספות אלו הכנסו אחרי שהמקור המשותף הקדום היה כבר במעילה ובערלה גם יחד. והמוסיפים במעילה ובערלה שאבו את הוספותיהם ממקורות שונים.

לפ"ו לפנינו באמת במעילה ובערלה מקור קדום משותף וההוספות נובעות ממקורות אחרים הקרובים להיות שוים לברייתות הנ"ל. והנה במעילה מקור קדום בעל צורת קובץ. לכן קרוב מאד שקובץ זה שמש גם מקור לערלה. ומשנת ערלה שאבה מקובץ זה רק אותם החלקים השייכים לשם מפאת ענינם.

36 ע' לעיל בהערות ובטקסטים המובאים שם.

37 ע' לעיל בהערה 30, 36.

38 לחילופי גירסאות ע' בבעלי הנוסחא שם.

ותרומת מעשר ותרומת מעשר של דמאי החלה והבכורים<sup>31</sup> מצטרפים זע"ז לאסור ולחייב עליהם את החומש<sup>30</sup>. ג) כל הפגולין מצטרפין זע"ז כל הנותרין מצטרפין זע"ז כל הנבלות מצטרפין זע"ז כל השרצים מצטרפין זע"ז דם השרץ ובשרו<sup>32</sup> מצטרפין כלל א"ר יהושע כל שטומאתו ושעורו שוין מצטרפין זע"ז טומאתו ולא שעורו... אין מצטרפין זע"ז. ד) הפגול והנותר אין מצטרפין וכו' השרץ והנבלה וכן הנבלה ובשר המת אין מצטרפין זע"ז לטמא אפילו כקל שביניהם האוכל<sup>33</sup> שנטמא באב הטומאה ושנטמא בולד הטומאה מצטרפין זע"ז כקל שביניהם. ה) כל<sup>34</sup> האוכלין מצטרפין לפסול את הגויה בכחצי פרס במזון שתי סעודות לערוב בכביצה לטמא טומאת אוכלין בכגורגרת להוצאת שבת בככותבת ביה"כ כל המשקין מצטרפין לפסול את הגויה ברביעית ובמלא לוגמיו ביה"כ. ו) הערלה<sup>35</sup> וכלאי הכרם מצטרפין זע"ז ר"ש אומר אין מצטרפין הבגר והשק והשק והעור והמפץ מצטרפין זע"ז ר"ש אומר מפני שהן ראויין לטמא מושב.

פרק זה מכיל קובץ שהוא בלי ספק מקור לעצמו. מסגרתו הסדורית של מקור זה הוא הפרינציפיון: מצטרפין-אין מצטרפין. הסדר הפנימי בהצעת החומר הוא כזה: בראשונה קדשי מזבח וקדשי בדק הבית לעצמם וביחד. אחריהם חמשה וששה דברים בקדשי מזבח: עולה-תודה. אחר זה חמשה דברים שונים אחרים: תרומה, תרומת מעשר, ת"מ של דמאי, חלה, בכורים. ומה לחמשה סוגים שונים שבתוך הסוג יש הצטרפות בין חבריו הוא: פגולין, נותרין, נבלות, שרצים, דם השרץ ובשרו. ועל יד זה דברי ר' יהושע: כלל א"ר יהושע וכו', הנכנסים לגדר נמוקה של הלכה זו. ולרגלי זה גם הלכות הנובעות מכללו של רבי יהושע או כרוכות בו: הפגול והנותר וכו' אין מצטרפין... כקל שביניהם האוכל שנטמא וכו'. ואחר כל זה בא כהמשך המשנה שעל הסוגים ההלכה: כל האוכלין מצטרפין וכו' כל המשקין מצטרפין וכו'. ואחרי שנסתיימו הסוגים מדברים עוד על דברים יחידים שונים שנים מהם מצטרפין: ערלה וכלאים, הבגר והשק, השק והעור, העור והמפץ.

31 ובכן גם כאן חמשה דברים.

32 גם פה חמשה דברים.

33 בטהרות פ"א מ"ה מקבילה למשנתנו וי"ל: האוכל שנטמא באב הטומאה ושנטמא בולד הטומאה מצטרפין זה עם זה לטמא כקל שביניהם כיצד כחצי ביצה אוכל ראשון וכו'. ובמשנה הקודמת שם איתא: שלשה עשר דבר נבלת עוף טהור וכו' החרטום והצרפנים מיטמאין ומטמאין ומצטרפין וכו' ובבהמה העור והרוטב וכו' מצטרפין לטמא טומאת אוכלין וכו'. המושג: מצטרפין, משמש כביכול מעבר למשנה הנובעת מן המקור שבמעילה. להלכה: העור והרוטב וכו', ע' חולין פ"ט מ"א. לא מן הנמנע שהמקור בחולין והוא הובא כאן כדי להעמיד בהמה מול עוף. 34 במקואות פ"י מ"ז מקבילה וי"ל: כל האוכלין מצטרפין לפסול את הגויה בכחצי פרס כל המשקין מצטרפין לפסול את הגויה ברביעית זה חומר בשוה משקין טמאין מבמקוה וכו'. 35 הלכה זו גם בערלה פ"ב סמ"ב וי"ל שם: הערלה וכלאי הכרם עולים באחד ומאתים ומצטרפין זה עם זה ואין צריך להרים ר"ש אומר אינן מצטרפין רבי אלעזר (וכצ"ל, ע' דקדוקי סופרים שם, וע"ע בברייתא המובאת להלן מן הירושלמי) אומר מצטרפין בנותן טעם אבל לא לאסור.

לפעמים אפשר לפרנס את העדרן של הלכות במקום שלשם הן שייכות בצורתה הסגנונית של המשנה הנתונה שם ובהצעתה או באופיו של החומר שבה וכיוצא בזה. ולפעמים אין באמת למצוא שם סבה וטעם להעדרן<sup>27</sup>.

מכל מקום בכמה וכמה מקומות מובאות הלכות ממקורות כאלה כציתתות ודרך הבאתן היא ממש כדרך שמצאנוה במשניות שבערכין. והנה אי אלו דוגמאות: חולין פ"א מ"ז וכחובות פ"ג מ"ח. בקובץ שבחולין רק: כ"מ שיש מכר אין קנס וכ"מ שיש קנס אין מכר. ובכתובות שם איתא: כ"מ שיש מכר אין קנס וכ"מ שיש קנס אין מכר קטנה יש לה מכר ואין לה קנס וכו'. ובכן, בראשונה הציתתה ואחריה הביאור.

ע"ע מגילה פ"א מ"ו ונדרים פ"ד מ"א, מגילה שם מ"ט והוריות פ"ג מ"ד, וש"מ. מגילה פ"א מ"ה וביצה פ"ה מ"א-מ"ב. בקובץ במגילה רק המשפט הקצר: אין בין יו"ט לשבת אלא אוכל נפש בלבד. ובביצה שם איתא: משילין פירות דרך ארובה ביו"ט אבל לא בשבת וכו' כל שחייבין עליו . . . בשבת חייבין עליו ביו"ט אין בין יו"ט לשבת אלא אוכל נפש בלבד. כאן בביצה מובאת הציתתה: אין בין יו"ט לשבת וכו', כסיום לחומר המהווה באמת את הביאור שלה. ע"ע שבת פ"ט מ"א וע"ז פ"ג מ"ו, שבת שם מ"ב וכלאים פ"ג מ"א<sup>28</sup>, וש"מ.



רש"ג באגרתו וגם אחרים מזכירים<sup>29</sup> כבר שמסדר משנתנו הכנים לפעמים הוספות פנימה לתוך טקסט המקורות הקדומים שהיו בידו. אכן הם באמת רק נוגעים בבעיה זו וקובעים את מציאותה ולא למותר יהיה להביא כאן אי אלו דוגמאות ולבררן.

## XIV

במשנת מעילה פ"ד איתא קובץ ו"ל: (א) קדשי המזבח מצטרפין זה עם זה למעילה ולחייב עליהן משום פגול נותר וטמא קדשי ב"ה מצטרפין וע"ז קדשי המזבח וקדשי ב"ה מצטרפין וע"ז למעילה. (ב) חמשה דברים בעולה מצטרפין וע"ז הבשר והחלב והסלת והיין והשמן וששה בתורה הבשר . . . והשמן והלחם התרומה<sup>30</sup>

<sup>27</sup> השוה שבת פ"ט סמ"ג ויומא פ"ד מ"ב, מגילה פ"א מ"ו וקנים פ"א סמ"א, מגילה שם מ"ח ושבת פ"ז רמ"א ומנחות ספ"ג וידים ספ"ד, מגילה שם מ"י ומ"א וזבחים ספ"ד, וש"מ.  
<sup>28</sup> שם גם במדה ידועה התאמה למסגרת.

<sup>29</sup> ע' רוק' שם כ"ל עשרים.

<sup>30</sup> כל בבא זו גם בערלה פ"ב רמ"א ו"ל שם: התרומה ותרומת מעשר (כצ"ל, ע' בדקדוקי סופרים שם אות א') ותרומת מעשר של דמאי החלה והבכורים עולים באחד ומה ומצטרפין זה עם זה וצריך להרים.

הציעו את ההלכה הקדומה עצמה. ואת ההלך השלישי: חוץ ממגל קציר וכו', המשתייך לביאור שעל הדין: בכל שוחטין, קבעו אחרי ההלכה הקדומה, מפני שמחד גיסא הוא הולם היטב מפאת הסגנון את הסיום של ההלכה הקדומה: בכל שוחטין, ומאידך גיסא הוא מהוה מעבר יפה לפלגות ב"ש וב"ה. ועוד, לא מן הנמנע גם כן שחלק זה מן הביאור נתוסף על ההלכה הקדומה עוד לפני כן.

## XII

גם המשניות בסנהדרין פ"ז מ"א ולהלן נכנסות מאיזה בחינה לגדר תופעה זו, הן מראות לנו כביכול את הצד השני של המטבע.

ז"ל המשניות שם: ארבע מיתות נמסרו לבית דין סקילה שרפה הרג וחנק וכו' זו מצות הנסקלין מצות הנשרפין היו משקיעין אותו בזבל וכו' מצות הנהרגין היו מתזין את ראשו בסייף וכו' מצות הנחנקין היו משקיעין אותו בזבל וכו'.

הסוגיא שם נ"ב רע"ב כבר מעירה ח"ל: מאי תנא דקתני זו מצות הנסקלין משום דתנא נמר הדין מוציאין אותו לסקלו בית הסקילה היה גבוה שתי קומות ואידי דקא בעי למיתני מצות הנשרפין תנא נמי זו מצות הנסקלין.

ולפנינו כאן כנראה תופעה כזו: בפרקים הקודמים מדברים על אירגון בי"ד וסדריו בדיני נפשות. כדוגמא להוצאת דין נפשות מובאת שם סקילה. והנה, כשתיאור הוצאת דיני נפשות האחרים: מצות הנשרפין—מצות הנהרגין—מצות הנחנקין, בצורתו הנוכחית ממקור קדום נובע, הדעת נותנת שבמקור קדום זה היה גם כן על יד: זו מצות הנסקלין, תיאור של הוצאת דין סקילה. לפי"ז בהכרח להגיד, שמפני שהמסדר הוציא ממקור שבירו את תיאור הסקילה והביאו כדוגמא בנגמר הדין, נשמט אח"כ חלק זה מן המקור הקדום בה בשעה שקבעוהו שם. ומשום זה השמיטו כאן, כי חלק זה מכיל פרק שלם ולא רצו להאריך ללא צורך יותר מדי. אפשר ג"כ שהתיאורים הללו בצורתם הנוכחית אינם מקור קדום ויש לפנינו כאן כביכול דילוג והעברה. ר"ל העבירו על המשפט: זו מצות הנסקלין, ולא ביארוהו, כי הביאור נמצא כבר לפני כן בפרק הקודם. מ"מ יותר מסתבר האפשרות הקודמת.

## XIII

ע"י המשניות שבערכין שעליהן דברנו לפני כן ראינו שמשנתנו מביאה בהודמנות ציתות קצרות ממקור קדום ומוסיפה עליהן ביאור והרחבה ובאיזה מקום אחר היא מביאה אחר כך את כל מקור הקדום כולו. פרוצס זה הולך ונעשה בשני אופנים שונים. א' בראשונה מציעים את הציתותה ובאופן בלתי אמצעי אחריה מובא הביאור שעליה והרחבתה. ב' קודם כל מובא החומר הביאורי והתוספתי ואחריו באה הציתותה כסיום כביכול לחומר זה.

במקור קדום כזה גם הלכות שאינן מובאות כציתות בשום מקום אעפ"י שהן כדברות על ענינים כאלה שלהם מקום מסוים במשנתנו ואפשר היה להביאן שם.

גררא של המעשה בתגרי לוד באים לבעית קביעת מועד החזרה. ובכן, כל המשניות הללו הן כביכול בבחינת „סוגיא“ לציתתה המובאת ממקור הקדום. אחרי שנממרה „הסוגיא“ המוקדשת לציתתה ומשתייכת לה, מביאים את כל המקור הקדום בצורתו ובהוויתו ומבלי להשמיט את הציתתה שהובאה לפני כן. ואחכ"ז שבים לשאלה שבה עוסקים בעיקר, ר"ל לשאלת אונאה. אלא שעתה נגשים לשאלה זו מצד אחר לומר: אלו דברים שאין להם אונאה וכו'. וקבעו את המקור הקדום כאן ולא במקום אחר כגון בקידושין או בב"ק מפני שמקור זה התחיל בהלכה: האונאה ארבעה כסף, השייכת מפאת תוכנה לב"מ וכאן הובאה הלכה זו כציתתה וכאן נתוסף עליה ס „סוגייה“.

## XI

גם בחולין פ"א מ"א-מ"ב יש לפנינו תופעה מסוג זה. שם איתא: הכל שוחטין ושחיתתן כשרה חוץ מחש"ו וכו' שחיתת עכום נבלה ומטמאה במשא השוחט בלילה וכן הסומא ששחט שחיתתו כשרה השוחט בשבת וביה"כ וכו' שחיתתו כשרה השוחט במגל יד בצור ובקנה שחיתתו כשרה הכל שוחטין ולעולם שוחטין ובכל שוחטין חוץ ממגל קציר והמגירה והשינים והצפורן מפני שהן חונקין השוחט במגל קציר בדרך הליכתה ב"ש פוסלין וב"ה מכשירין ואם החליקו שיניה הרי היא כסכין.

כפי שהתקטט מונח לפנינו מכילה המשנה החל מן: ושחיתתן כשרה חוץ וכו', עד: בקנה שחיתתו כשרה, בעיקר הדבר תוספת ביאור למשפט: הכל שוחטין ולעולם שוחטין ובכל שוחטין. הקטע: ושחיתתן כשרה ... ומטמא במשא, הוא ביאור להלכה: הכל שוחטין. ההמשך: השוחט בלילה ... וביה"כ וכו' שחיתתן כשרה, משתייך להלכה: לעולם שוחטין. והמשפט: השוחט במגל יד בצור ובקנה שחיתתו כשרה, מבאר את ההלכה: בכל שוחטין. אלא שכאן יש עוד חלק שלישי: חוץ ממגל קציר וכו', המעביר אותנו לפלגות ב"ש וב"ה.

מדוע הולך כאן ונשנה המשפט: הכל שוחטין. או יותר נכון למה ליה למיתני הכל שוחטין ולעולם שוחטין ובכל שוחטין. ואין הדעת נותנת שלכל זה כביכול רק ערך שיפור סגנון בלבד וממדתו רק לתת תמצית המשנה הקודמת בצורת משפט מהוקצע וכלל קצר<sup>25</sup>.

לכן קרובה ביותר ההשערה שההלכה: הכל שוחטין ולעולם שוחטין ובכל שוחטין, קדומה היא. ובראשונה הביאו מהלכה קדומה זו המשפט: הכל שוחטין, כציתתה וביאורו. דרך אגב הביאו ע"י הביאור לציתתה זו גם ביאור לשני הדינים האחרים שבהלכה הקדומה מבלי להביא את הדינים עצמם כציתתות<sup>26</sup>. אחכ"ז

<sup>25</sup> גם סוגית התלמוד שם ט"ז ב' ולהלן דנה על הלכה זו וביאורה.

<sup>26</sup> ולרגלי קיצורם לא הובאו אולי המשפטים: בכל שוחטין-ולעולם שוחטין, כציתתות. ועוד, הלא גם במקומות אחרים לא הובאו לפעמים הציתות, ע' לדוגמא ב"ק פ"ב מ"ד.



## X

אמנם אין זה שכיח שמסדר המשנה יביא בראשונה ציתתה ממקור קדום ויבארה וירחיבה ואח"כ יציע את כל המקור כולו, אבל פה ושם יש עדיין למצוא אי אלה עקבות מתופעה זו.

ע' לדוגמא ב"מ פ"ד מ"ג-מ"ט. ז"ל המשנה שם: (ג) האונאה ארבעה כסף מכ"ד כסף לסלע שתות למקח עד מתי מותר להחזיר וכו' הורה רבי טרפון בלוד האונאה שמה כסף לסלע וכו'. (ד) אחד הלוקח ואחד המוכר יש להן אונאה וכו'. (ה) כמה תהא הסלע חסרה וכו'. (ו) עד מתי מותר להחזיר בכרכים וכו'. (ז) האונאה ארבעה כסף והטענה שתי כסף והודאה שוה פרוטה חמש פרוטות הן ההודאה שוה פרוטה וכו'. (ח) חמשה חומשין הן האוכל תרומה וכו'. (ט) אלו דברים שאין להם אונאה וכו'.

כאן נתקלים ח"כך ומיד בקושי, מדוע הולכים ויחזרים על המשפט: האונאה ארבעה כסף. ועוד, מדוע הכנסו המשניות ז'-ח' במקום שהן מפרידות בין הדברים ומפסיקות ענין באמצע. המשניות שלפניהן וגם אלו שאחריהן עוסקות בבעית אונאה והן מטפלות בבעיות אחרות לגמרי.

בסוגית התלמוד שם נ"ה איתא: תנינא חדא זימנא האונאה ארבעה כסף מכ"ד לסלע שתות למקח הטענה שתי כסף וההודאה שוה פרוטה איצטריכא ליה הא נמי תנינא שבועת הדיינין הטענה שתי כסף והודאה שוה פרוטה סיפא איצטריכא ליה דקתני חמש פרוטות.

התירוץ: הטענה וכו' איצטריכא ליה וכו' סיפא איצטריכא ליה וכו', אומרים בעיקר הדבר שהמשניות ז'-ח' הן מקור מסוים לעצמן<sup>24</sup>. אכן בזה שקבענו שמשניות אלו הן מקור לעצמן אין לפרנס עדיין די צרכו את חזרת המשפט: האונאה ארבעה כסף. סוף סוף משפט זה מיותר במקום אחד. ועוד, מדוע הכניסו את המקור העצמאי דוקא פה במקום שהוא מפסיק ענין באמצע. הלא יש מקומות אחרים במשנה שלהם ולמקור שלנו כמה נקודות מגע ענייניות משותפות. על יסוד ההלכה: והאשה מתקדשת בשוה פרוטה, אפשר היה לקבוע את מקומו בקידושין. כמו כן היה מקום להביאו בב"ק פ"ט מ"ה ולהלן, כי למקור שלנו ולמשניות שם כמה נקודות משותפות. פה וגם ההלכה: והגזל את חברו שוה פרוטה ונשבע לו יוליכנו אחריו אפילו למדי. ועוד, במקור שלנו וגם בב"ק שם מדברים על החומש.

לכן הדבר בולט שהמשפט: האונאה ארבעה כסף, במשנה ג' הוא ציתתה הנובעת מאותו המקור הקדום. וכל מה שאיתא במשניות ג'-ו' שאחרי ציתתה זו הוא רק תוספת ביאור שלה והרחבתה. כל המשניות הללו עוסקות בשאלת אונאה, הן דנות על שיעור האונאה ועל מועד החזרה ועל הבעיה מי חזר וכיוצא בזה. קביעת שיעור האונאה היא גם תוכן הציתתה. ולרגלי עמדת רבי טרפון בבעיה זו ואגב

<sup>24</sup> ובכן זה הוא קובץ שהפרינציפיון הסדורי שלו קיבל את ביטוי במסגרת הפורמלית-חזונית: ארבעה כסף-שתי כסף-פרוטה-חמש פרוטות-חומשין.

כל המשניות של פרק זה מכבד משנה א' אין להן שום ענין למסכת קידושין. המשניות ממ"ב-מ"ו עוסקות בדיני קנין. מ"ז ומ"ח מגדירות המצוות שהנשים פטורות או חייבות בהן. מ"ט מדברת במצוות הנהגות בארץ ובחו"ל. במ"י מדברים על שכר מצוה. והפרק מסיים במשנה: כל שישנו במקרא וכו'. מה ענין כל המשניות הללו במסכת קידושין.

ועוד, בסוגית הגמרא שם ב' א' מקשים כבר מדוע איתא במשנה א' שלנו הלשון נקנית ולא מתקדשת, ע"ש. ובאמת במשנה בכלל נמצא הלשון קידושין ולא הלשון קנין. יתר על כן, במשנה עדיות פ"ד ה"ז איתא מתקדשת ולא נקנית, ובעדיות שם בהחלט מקור מקביל למשנתנו. וכן איתא מתקדשת בב"מ פ"ד מ"ז.

ואין שום מקום כאן לסברה: אנב גררא נסבה, כלומר אנב קנין אשה נקט ג"כ קנינים אחרים. כי אין הדעת נותנת שלשם כך שינה לשון מתקדשת לנקנית. ועוד המשנה: היבמה נקנית וכו', מיסודו של מסדר המשנה מדוע לא שנאה ביבמות. וכ"כ אין להבין מדוע דיני קנין האחרים אינם נמצאים במקומותיהם הם בסדר נזקין כגון חליפין בב"מ בפרק הזהב, וכיוצא בזה.

לכן נראה שפרק זה הוא מקור קדום לעצמו. ממטרת מסדר מקור זה היה לאסוף ביחד כל דרכי קנין השונים. בשעה זו השתמשו עדיין בלשון קנין לקידושי אשה, מכאן מקום לא נתאורח עדיין הלשון קידושין במדה כזו שידחה לגמרי הלשון קנין. משום זה: האשה נקנית. ועוד, הלא בפרק הקנינים אנו עומדים, ובפרק הקנינים לא יתכן שלא ישאר הלשון נקנית. לא כן במשנה עדיות, שם: מתקדשת, אעפ"י שלא מן הנמנע שעדיות שואב מן המקור הזה. וכן גם בב"מ שם: מתקדשת, כי רק במקור שלנו פרק הקנינים.

הסדר הפנימי שבמקור זה הוא: בראשונה קנין אשה, הנכס והקנין החשוב ביותר, כי היא בת ישראל ובת חורין הנקנית לשם אישות חוקית, ולקנין זה שני פנים, צד משפטי פרטי וצד קדושה דתית. הנכס השני במעלה הוא העבד העברי, ואחריו העבד הכנעני. אחריהם באה הבהמה, כי גם היא בעל חי. אח"כ קרקעות ומטלטלין ומסיימים בקנין חליפין שהוא חטיבה לעצמו. אחרי שגמר פרשת הקנינים הוא שב לנקודה הראשונה, לקנין אשה. מטרת קנין זה לבנות בית ולהעמיד בנים. מה הוא יחס היצירה המשותפת ליוצריה: מצות הבן על האב וכו'. ומה לבעיה הכללית: כל מצות עשה שהזמן גרמא וכו', כלומר בעוד איוו מצוות יש הברל בין אנשים ובין נשים. ולרגלי הבחנה בין מצוות ומצוות באים למ"ט: כל מצוה שהיא תלויה בארץ וכו'. ואח"כ מ"י: כל העושה מצוה אחת מטיבין לו וכו'. ר"ל אעפ"י שאני מבחין לפעמים בין מצוה למצוה, זו נשים פטורות בה חו אינה נהגת אלא בארץ, בכל זאת אין להבחין בין מצוה למצוה בנוגע לערכה וחשיבותה: כל העושה מצוה אחת מטיבין לו וכו'. ומכאן כבר הסיום: כל שיש במקרא וכו'.—הדרך הבטוחה ביותר להמנע מחטא ולקיים מצוות התורה לעסוק בתורה ובד"א.

מקור זה היה בידי מסדר משנתנו והוא קבעו בשלמותו וכהווייתו בראש מסכת קידושין, כי הוא מתחיל בקנין אשה.

המשנה: מנין שמרחיצין את המילה ביום השלישי וכו', שם מ"ג עם המקבילה שלה: ר"א בן עזריה אומר מרחיצין את הקטן ביום השלישי וכו', שם פי"ט מ"ז מוכיחות למדי שבפ"ט לפנינו מקור עצמאי קדום<sup>20</sup>. זה יוצא במדה ידועה גם מן החומר שבתוספתא שם פ"ט הי"ג ולהלן, ע"ש. המקום המקביל בע"ז פ"ג מ"ו הוא כנראה ציתתה הנובעת ממקור הקדום שבשבת פ"ט<sup>21</sup>.

ע"ע מגילה פ"א מ"ד ולהלן: אין בין וכו', גיטין פ"ד מ"ב ולהלן: מפני תיקון עולם—מפני דרכי שלום, חולין פ"א מ"ד ולהלן<sup>22</sup>: כשר ב... פסול ב... —כל מקום שיש אין... וש"מ.

איברא קשה להכריע ולהגיד שכל הקבצים כולם הנמצאים במשנתנו היו כבר בידי מסדר המשנה בהקפם זה שבו הם מונחים לפנינו היום. כי סוף סוף אפשרי ומסתבר גם כן שפה ושם הרחיב מסדר המשנה קבצים כאלה בהוסיפו עליהם הלכות חדשות המכילות אותו הפרינציפיון הפורמלי המשמש מסגרת סדורית למקור הקדום. וכמובן לא מן הנמנע שאיזה קובץ ממין זה נוצר כולו במסגרתו הנוכחית, ר"ל מסדר המשנה אסף באיזו הודמנות מספר מסוים של הלכות שלהן איזה פרינציפיון חצוני משותף<sup>23</sup>. אכן בזה אין להטיף ספק שחלק גדול וחשוב מן החומר של סוג זה הוא קדום והיה מונח כבר לפני מסדר המשנה בשלמותו ובהקפו הנוכחי.

## IX

ברם לא רק מקורות קדומים מסוג הקובץ אלא גם מקורות קדומים שלמים המוקדשים לאיזה נושא מסוים שהוא, ובכך בעלי פרינציפיון סדורי עניני נמצאים במשנה שלנו. וכדאי להביא כאן לכל הפחות דוגמא אחת מסוג מקורות אלה. קידושין פ"א. א) האשה נקנית בשלש דרכים וכו'. ב) עבד עברי נקנה וכו'. ג) עבד כנעני נקנה וכו'. ד) בהמה נסה נקנית וכו'. ה) נכסים שיש להם אחריות נקנין וכו'. ו) כל הנעשה דמים באחר וכו'. ז) כל מצות הבן על האב אנשים חייבין ונשים פטורות וכו'. ח) הסמיכות וכו'. נהגין באנשים ולא בנשים וכו'. ט) כל מצוה שהיא תלויה בארץ אינה נוהגת אלא בארץ וכו'. י) כל העושה מצוה אחת מטיבין לו וכו' כל שישנו במקרא ובמשנה ובר"א לא במהרה הוא חוטא וכו' וכל שאינו לא במקרא ולא במשנה ולא בר"א אינו מן הישוב.

<sup>20</sup> ומשנה מקבילה זו היא גם ראייה לדברי החס"ד והר"ח שבהערה הקודמת. ובבריייתא שם קל"ד ב' איחא גם הלשון: אע"פ שאין ראייה לדבר זכר לדבר. ובכך ממש כלשון המשנה בסוף המוציא.

<sup>21</sup> השוה עוד כלאים פ"ג מ"א עם הלכה: מנין לערוגה וכו', שבקובץ שלנו; יומא פ"ד מ"ב עם ההלכה: מנין שקושרין וכו', שבקובץ שלנו. כנראה אין יחס מקורות חיובי בין כלאים ויומא מצד אחד ובין הקובץ שלנו מצד שני.

<sup>22</sup> ע' לעיל סי' IV. <sup>23</sup> ע' לעיל הערה 18.

סדורית משלהם. הפרינציפיון הסדורי של מסגרתן הן הוא עפ"י רוב חצוניפורמלי בלבד. במלים אחרות, בידי מסדר המשנה היו קבצים קדומים שהכילו הלכות שונות. מסדר הקובץ אסף הלכות אלו וחברן יחד מפני שלכולן איזה פרינציפיון פורמלי משותף. מסדר משנתנו הביא ציתות-הלכות יחידות מקבצים כאלה במקומות שלשם הן שייכות מנקודת ראות התוכן שלהן. ובמקומות אלה הן לפעמים הרחבו והשלמו ונתוסף עליהן ביאור. מלבד זה הכניס המסדר באיזה מקום אחר את כל המקור הקדום לתוך סדר משנתו.

ב' מסדר המשנה השתמש לפעמים בקבצים קדומים באופן כזה: הקובץ התחיל באיזו הלכה השייכת מפאת תוכנה לאיזה מקום מסוים במשנה. במקום ההוא הביא המסדר בראשונה את ההלכה שבה התחיל הקובץ והוסיף עליה ביאור או אפילו חומר תוספתי הנובע מאיזה מקור אחר. ובאופן בלתי אמצעי אחר זה הוא הכניס את כל הקובץ הקדום בשלמותו ובהווייתו ביחד עם ההלכה שהובאה לפני כן. ומוזה:

ג' במשנה שלנו מובאות הלכות מנקודות קדומים שבמקומם החדש נתוסף עליהן ביאור והרחבה וגם השלמה הנובעת מנקודות אחרים.  
ד' נמצאים מקורות שלמים קדומים במשנתנו שפנימה לתוך הטקסט שלהם הכנסו הוספות והרחבות שונות.



ועתה נעקוב נא תופעות אלו, נחקור אותן ונראה אם הן נמצאות עוד במקומות אחרים במשנה.

## VIII

הראשונים וגם האחרונים<sup>18</sup> העירו כבר שבמשנתנו שקעו מקורות שלמים וקדומים בעלי מסגרת סדורית משלהן שיסודה בפרינציפיון חצוניפורמלי. קבצים כאלה נמצאים בכמה וכמה מקומות במשנה.  
ע' לדוגמא שבת פ"ט מ"א-מ"ד: א"ר<sup>19</sup> עקיבא מנין וכו'.

<sup>18</sup> ר"ף שם כלל ל"ג וכלל מ' וש"מ. ע"ע בהערה הבאה. ר"ף שם דן על תופעה זו מנקודות ראות אחרות ואינו מדגיש את נקודת המבט שלנו. מנקודת ראות קורות ההתהוות יש לחלק את כל החומר הנתון באופן יסודי לשני סוגים. סוג אחד מכיל קבצים קדומים וסוג שני מכיל איסקורסים שנתהוו במסגרתם הנוכחית.

<sup>19</sup> רש"י סובר שמשום זה קבעו את קובץ זה כאן מפני שהוא מכיל את ההלכה: מנין שמרחיץ את המילה וכו', ע"ש ד"ה א"ר עקיבא. והתוס' שם בד"ה אר"ע חולקים על רש"י ודעתם היא: אנב דתנא לעיל בסוף המוציא קראי דאסמכתא נבי חרס נקט נמי הני קראי דאסמכתא וקרא דתורם וכו' הוא סמוך לההיא קרא דאייתי לעיל לא ימצא במכיתתו חרס וכו'. ודעת הר"ח כדעת התוס', ע' בר"ח שם. וע"ע בהערה הבאה.

ההלכות האחרות נמצאות אך ורק בקובץ שלנו כאן בערכין. אולם כנראה נתוסף על כמה מהן בזמן מאוחר ובמסגרתן החדשה כבר הוספות והרחבות שונות. היר שטפלה בקביעת מקומו של הקובץ הכניסה כנראה גם לתוך טקסט מקור הקדום פנימה הוספות והשלמות.

הוספות כאלו הן כנראה ההמשך שם במ"ג ולהלן: ובשנים עשר יום בשנה וכו' ועבדי כהנים היו וכו', וכל היום   מ"ו: אין קטן נכנס לעזרה וכו'. מכל זה יוצא בהחלט שהקובץ המונח כאן לפנינו קדום מן המסגרת שבה הוא נמצא עכשיו.

## VI

אחכ"ז נראה שבודאי לא נחטיא את המטרה כשגניח שבערכין פה לפנינו תופעה הקרובה להיות שוה לתופעה הנזכרת בסוגית נדה שם: משום דקא בעי למיתני כיוצא בו.

ברם לא יתכן להגיד שמסדר המסגרת בערכין הוסיף נופך משלו וחזר בסיפא על הבבא: אין בערכין פחות מסלע ולא יותר על חמשים סלע, וכונתו ליצור בזה את המעבר לקובץ. כי בבא זו איתא כבר ברישא וכל מה שיש שם בין הרישא והקובץ הוא רק ביאור והרחבה בלבד המוסבים על בבא זו.

לכן נראה שלפנינו כאן תופעה כזו: בידי מסדר המשנה היה מקור עצמאי קדום. למקור זה היתה צורת קובץ. מסגרתו הסידורית של הקובץ היה הפרינציפין החצוני-פורמלי: לא פחות . . . ולא יותר. קובץ זה התחיל במשפט: אין בערכין פחות מסלע ולא יותר על חמשים סלע. המסדר השתמש בכמה מקומות בסדר משנתנו במקור קדום זה. הוא הביא ממנו ציתותות במקומות שלשם הן שייכות מפאת תוכנו. ובמקומות אלה הוא הוסיף על ציתותות הללו ביאורים והרחבות וכיוצא בזה. וגם אצלנו בערכין הוא השתמש בדרך זו במקור שלו. בראשונה הוא הביא משם ציתתה וביארה. הציתתה היא ההלכה: אין בערכין פחות מסלע ולא יותר על חמשים סלע. וההמשך שעל ידה: כיצד וכו' היה בידיו וכו' וחכמים אומרים נותן את כולם, הוא ההרחבה והתוספת ביאור שעליה. אלא בערכין נקבע מלבד זה כל המקור הקדום כולו ובשלמותו. קבעוהו כאן מפני שהתחיל בהלכה: אין בערכין פחות מסלע וכו'. ומשום זה קבעוהו ג"כ בשלמותו ובהווייתו מבלי להשמיט את ההלכה שבה התחיל אעפ"י שהלכה זו הובאה כבר לפני כן כציתתה. דרך זו נוצר טקסט המשנה שלפנינו שבו הולך ונשנה הבבא: אין בערכין פחות מסלע ולא יותר על חמשים סלע.

## VII

המשניות כאן בערכין מכילות לפ"ז כארבע תופעות שדרך כלל אפשר לסנן אותן בערך בצורה כזו:  
א' המסדר הכנים לתוך סדר משנתנו מקורות קדומים שלמים בעלי מסגרת

בחולין לפנינו תופעה שאי־היה מתכוונים בסוגית נדה מ"ט רע"א בתירוק: משום דקא בעי למיתני כיוצא בו.

קובץ זה נראה קדום מן המסגרת שבה הוא נמצא עכשיו, ר"ל בידי המסדר היה מקור קדום בצורת הקובץ שלפנינו ואותו הוא קבע במשנתו במקומו הנוכחי. בתוספתא<sup>14</sup> איתא עוד שורה של הלכות המכילות את הכלל המהוה את הפרינציפיון הסדורי של הקובץ שלנו. ועל נקלה אפשר היה להוסיף הלכות אלו על הקובץ שלנו. ועוד, כמה הלכות מן הקובץ שלנו מובאות כהווייתן ובצורתן במקומות אחרים במשנה ולשם הן שייכות מפאת התוכן שלהן<sup>15</sup>.

מה שמוטל כאן בספק היא הבבא: נמצא כשר בשחיטה וכו', המהוה את המעבר לקובץ. האם בבא זו חלק מן הקובץ הקדום או אולי נוצרה ע"י מסדר המסגרת כמעבר לקובץ? הבבא הזאת היא באמת רק תמצית הנובעת מתוכנה של המשנה שלפניה. לפי קרובה היא ההשערה שאיננה חלק יסודי מן המקור הקדום. היא נוצרה בסוף מעשה במחשבה תחלה לחבר את המשנה הקודמת אותה עם הקובץ שאחריה. אולם יתכן גם כן שהמקור הקדום הכיל גם בבא זו<sup>16</sup> והמשנה הקודמת רק כביכול ביאור לבבא זו. מסדר המשנה הציע בראשונה את הביאור ואח"כ הביא את המקור הקדום, כלומר את הקובץ שלנו שהתחיל בהלכה שלפני כן איתא ביאור שלה<sup>17</sup>.

## V

ועתה נחזור לענינו ר"ל למשניות בערכין. הקובץ שם מכיל י"ד הלכות. בתוספתא שם פ"א ה"ד ולהלן איתא שורה שלמה של חומר מקביל. וכמה מהלכות שבקובץ מובאות במקומות אחרים במשנה. להלכות אלו כביכול אופי של ציתות המובאות ממקור קדום. ואין מסתפקים שם בהבאת הציתות גרידא כי מוסיפים עליה ביאור ובידור או הרחבה והשלמה וכיוצא בזה. המשנה על שתי הלחם ולחם הפנים איתא גם במנחות פ"א ה"ט. ושם על ידה גם תוספת ביאור וגם שיטת רשב"ג בשם ר"ש בן הסגן החולקת על הכלל שלנו בנוגע ללחם הפנים.

ההלכה: קטן נמול וכו', נמצאת גם בשבת פ"ט מ"ה עם הרחבת ביאור. בשבת שם אמנם לא בריוק ציתתה, אבל מכירים ששניהם סוף סוף ממקור אחד נחצבו. ההלכה: אין פותחין מכ"א תקיעות במקדש וכו', הולכת ונשנית גם בסוכה פ"ה מ"ה. ובסוכה שם גם ביאור להלכה זו. ההלכה: אין בנעים וכו', ישנה גם בנעים פ"ג ה"ח כסיום לשורה שלמה של משניות המכילות באמת ביאור רחב למשנתנו אנו.

14 ע"ש פ"א ה"ח ולהלן.

15 ע' ב"ש בחולין.

16 ונתוספה עפ"י רק התיבה: נמצא, להחממת הסגרת.

17 על תופעה זו ע"ע להלן במאמרנו.



אם אין „בית“ אבל יש „בית“ אעפ"י שאין „אלף“ ובין הקובץ הבא אחריה הבנוי גם הוא על כלל פורמלי זה. פריציון זה הולך וחוזר בכל ההלכות שבקובץ ומהנה את המסגרת הסדורית שלו.

בנוגע לקובץ זה עצמו אין בידינו להכריע ולומר שהוא כולו ובשלמותו מקור קדום שהיה מונח כבר לפני מסדר המשנה בצורתו הנוכחית ומעשה המסדר היה רק לקבוע את מקומו בסדר משנתו. על יסוד המקורות המקבילים הבאים בחשבון בבירור שאלת טיבו של קובץ זה יש מקום להגיד שלכל הפחות חלק מסוים ממנו הלך ונוצר במסגרתו הנוכחית. במשנה היסודית שלנו: בא סימן וכו', איתא הכלל „אין א' אם אין ב', אבל יש ב' אעפ"י שאין א'“. לרגלי זה אסף וקבע ואולי סיגן גם כן כאן מסדר משנתו עוד כמה הלכות המכילות כלל זה. מחד גיסא איתא בתוספתא פ"ו ה"ו ולהלן אי אלה עקבות מן הקובץ שלנו, ומאידך גיסא אין למצוא שום ציתתה מן הקובץ בסדר משנתנו<sup>11</sup> אעפ"י שבכמה מקומות היתה ההודמנות לכך<sup>12</sup>. ועוד, אחרי דרישת החומר הנתון וחקירתו מקבילים את הרושם שאי אלו הלכות שבקובץ שלנו הן באמת רק תמצית הלכות הנמצאות במקום אחר במשנה<sup>13</sup>.

#### IV

ברם איך שיתחסו לבעית המשניות הללו בנדה עובדא היא שהתירץ: משום דקא בעי למיתני כיוצא בו, הניחן **שם** נוגע בתופעה הנמצאת בכמה מקומות במשנה. בחולין פ"א מ"ד ולהלן איתא: השוחט מן הצדדין שחיתו כשרה המולק מן הצדדין מליקתו פסולה וכו' נמצא כשר בשחיטה פסול במליקה כשר במליקה פסול בשחיטה כשר בתורין וכו' כשר בפרה וכו' כשר בכהנים וכו' טהור בכלי חרש וכו' טהור בכלי עץ וכו' החייב בשקדים וכו' התמד עד שלא החמיץ וכו' האחין השותפין וכו' כל מקום שיש מכר וכו' כל מקום שיש מיאון וכו' כל מקום שיש תקיעה וכו'.

סוגית התלמוד שם עוברת אמנם בשתיקה על הבבא: נמצא כשר בשחיטה פסול במליקה כשר במליקה פסול בשחיטה, אבל זה איננו אומר עדיין שהכלל כאן בסדר. הקושי: בבא זו למה ל', או בבא זו לאתויי מאי, במקומו עומד. כי מה יש כאן מן החדוש. הלא כל מהותה של בבא זו היא רק זאת בלבד שהיא נותנת לדינים המובאים לפני כן צורת כלל קצר, ותו לא מדי.

אכן כפי שהטקסט מונח לפנינו נראה שמטיב בבא זו רק ליצור את המעבר המקשר את המשנה הקודמת עם המשניות שלאחריה המהוות קובץ. לפי"ז פה

<sup>11</sup> גם בסנהדרין פ"ד סמ"ב אינם משתמשים כנראה בהלכה: כל הראוי לדון וכו', שבקובץ שלנו. וכמעט נראה שהיחס הוא הפוך. ע"ע להלן הערה <sup>13</sup>.

<sup>12</sup> ע' היטב ב"ש.

<sup>13</sup> השוה לדוגמא את ההלכה: כל שיש לו ביעור וכו', שבקובץ שלנו עם המשניות בשביעית ריש פ"ו.



לחתתון לבא עד שלא בא העליון אבל אי אפשר לעליון לבא עד שלא בא התחתון כיוצא בו כל שחייב במעשרות וכו' כל שחייב בפאה וכו' כל שחייב בראשית המ וכו' כל שיש לו ביעור וכו' כל שיש לו קשקשת וכו' כל שיש לו קרנים וכו' כל שטעון ברכה לאחריו טעון ברכה לפניו ויש טעון ברכה לפניו ואין טעון ברכה לאחריו.

סוגית הגמרא שם מ"ח א' מבארת מה שאיתא במשנה: אעפ"י שאי אפשר וכו', ח"ג: אעפ"י שאי אפשר והלא בא בא לרבי מאיר אעפ"י שאי אפשר לרבנן וליתנא בא העליון רמ"א וכו' וחכ"א וכו' ואנא ידענא דמשום דאי אפשר הוא אי לא תנא אעפ"י שאי אפשר הוה אמינא וכו'.

ולפיסקא דמתניתין: מפני שאמרו אפשר וכו', איתא בגמרא שם מ"ט רע"א: הא תו למה לי הא תנא ליה רישא וכי תימא משום דקא בעי למסתמא כרבנן פשיטא יחיד ורבים הלכה כרבים מהו דתימא מסתברא טעמא דרבי מאיר דקא מסייע ליה קראי קמ"ל ואב"א משום דקא בעי למתני כיוצא בו.

את המשנה: אעפ"י שאי אפשר ר"מ אומר... מפני שאמרו וכו', כשלעצמה אפשר סוף סוף לפרש באופן כזה: גם ר"מ סובר „אי אפשר לסימן העליון לבוא עד שלא בא התחתון“<sup>10</sup>. בזה הוא מורה לחכמים ובכל זאת דעתו שאין להשען על כלל בהלכה למעשה, מפני שיש לי מוצא, והוא, לחכות. לכן „לא חולצת ולא מתיבמת“, אלא ממתנים לה עד שתביא גם סימן התחתון. ור"מ כשיטתו דחיישין למיעוטא—ליוצא מן הכלל: בא העליון עד שלא בא התחתון אעפ"י שאי אפשר וכי בדינו כלל אי אפשר לעליון לבא עד שלא בא התחתון—בכל זאת רמ"א לא חולצת ולא מתיבמת (מפני שסוף סוף יכול להיות מקרה יוצא מן הכלל והיישין למיעוטא). לא כן החכמים, הם נשענים על הכלל: א"א לעליון לבא עד שלא בא התחתון. ואינם חוששים למקרה היוצא מן הכלל. החכמים סומכים על הכלל ופוסקים על פיו הלכה למעשה אפילו במקום שהחשש ליוצא מן הכלל אינו נוגע בשום אופן בהלכה עצמה. כי המתנה עד שתביא גם סימן התחתון אינה דוחקת בשום פנים את הדין. החכמים לא חיישי למיעוטא.

לפי ביאור זה אין כמעט כבר מקום לקושיא: הא תו למה לי. מכאן מקום אין בשום אופן להשוות משנת ערכין שלנו למשנה זו בנדה. הצעת החומר וסדרו, סגנון המשנה ולשונה הם בנדה אחרים לגמרי.

אכן איך שיהא נותנת הסוגיא שם מ"ט רע"א באי בעית אימא תירוצי שני ח"ג: משום דקא בעי למיתני כיוצא בו. תירוצי זה קובע ברכה לעצמה, הוא אומר בעיקר הדבר שהמשפט: מפני שאמרו וכו', הוא באמת מיותר וממטרתו אך ורק לקשר את משנתנו עם המשנות הבאות המהוות קובץ המכיל י"ב הלכות. תפקידו של משפט זה ליצור את המעבר בין המשנה הראשונה שבה הכלל הפורמלי אין „אלף“

10 ע' תוספות שם בד"ה רבי מאיר אומר ובתוספות הרא"ש שם. ר"ף בספרו הנ"ל כלל עשרים מעיר על משנתנו ח"ג: המאמר אעפ"י שאי אפשר הוא מאמר מאוחר וע"ש בש"ס, אולם דברים אלה אינם מספקים עדיין כדי פרנסת כל משנתנו.

הקושי שבמשנה א) כאן בולט עד כדי משוש בידים. מדוע הולך ונשנה המשפט: אין בערכין פחות מסלע ולא יותר על חמשים סלע. קושי זה לא נעלם מעיני בעלי הסוגיא ושם ח' א' הם מעירים ח"ט:

הא תו למה לי הא קמ"ל פחות מסלע הוא דליכא הא יתר על סלע איכא יותר על חמשים הא דליכא הא פחות מחמשים איכא וסתמא כרבנן.

לפי זה הצעת משנתנו היא כזו: בראשונה מובא הכלל: אין בערכין פחות מסלע ולא יותר על חמשים סלע. אחריו מציעים הביאור שעליו: כיצד נתן סלע והעשיר אינו נותן כלום פחות מסלע והעשיר נותן חמשים סלע. אחריו הביאור באה הפלגותא רבי מאיר-חכמים: היה בידי חמש סלעים ר"מ אומר אינו נותן אלא אחת וחכ"א נותן את כולם. המשפט: אין בערכין פחות מסלע ולא יותר על חמשים סלע, ההולך ונשנה בסיפא מוסב על הפלגותא. וסתמא כרבנן<sup>8</sup>=המשנה חוזרת על משפט זה כדי להשמיענו שהלכה כחכמים האומרים נותן את כולם.

אך למותר הוא להדגיש שביאור זה אינו הולם את לשון המשנה. המשפט החוזר: אין בערכין פחות מסלע ולא יותר על חמשים סלע, אינו מכיל בשום אופן במקום השני יותר ממה שהוא מכיל במקום הראשון. אם נכון הוא הדיוק: פחות מסלע הוא דליכא הא יתר על סלע איכא יתר על חמשים הא דליכא הא פחות מחמשים איכא, אזי ישנו דיוק זה גם ברישא ולא דוקא אך ורק בסיפא. ואין שום מקום להגיד שהכוונה היא שהחכמים החולקים על ר"מ הם הם חוזרים על משפט זה והוא חלק מדבריהם הם. הם מביאים ראיה לדבריהם: נותן את כולם [מפני שאמרו] אין בערכין פחות מסלע וכו'. זה לא יתכן מפני שזה אינו ברוח לשון המשנה. ועוד, העיקר חסר מן הספר. ועוד, לפי זה סתמא כרבנן משמעו באמת הרישא כרבנן והדרה הקושיא לדוכתה, למה לי הסיפא.

והנה הראשונים שם מעיר ח"ט: ואע"ג דתנא רישא בלשון חכמים לא הוי סתמא וכה"ג איתא בנדה בפרק בא סימן וכו' וא"ת אמאי צריך למסתחם כרבנן פשיטא דיחיד ורבים הלכה כרבים וי"ל דס"ד דמסתבר טעמא דרבי מאיר.

ובכן, הראש מרגיש בקשיים כאן אלא שהוא רוצה לפרנסם בזה שכי האי גוונא איתא בנדה. ■ הקושיא: אמאי צריך למסתחם כרבנן וכו', ביחד עם התירוץ שעליו: דסלקא דעתך דמסתבר טעמא דרבי מאיר, נובעים מסוגית נדה שם. לכן נראה נא מה שאיתא בנדה שם.

### III

במשנת נדה פ"ו איתא: בא סימן התחתון עד שלא בא העליון או חולצת או מתיבמת בא העליון עד שלא בא התחתון אעפ"י שאי אפשר רבי מאיר אומר לא חולצת ולא מתיבמת וחכמים אומרים או חולצת או מתיבמת מפני שאמרו אפשר

■ ע' רגמ"ה ורמב"ם בפה"מ שם.

9 מובא בשמ"ס ■ הערה נ'.

לו כביכול אופי של 'סוגיא' תנאית למשנה עתיקת יומין<sup>5</sup>. איך שיהא אפשר לפי זה לדבר על כלל האומר שמדרך מסדר המשנה להתחיל מסכת במקור קדום. לעומת זה במשנה תופעות שאפשר להסבירן בפנים שונות. סבת התוותן אינה מסוימה ואין לקבוע אותה בדיוק ובודאות גמורה, מפני שלקטע שבו הקושי אופי הנותן מקום לאפשריות שונות. במקומות כאלה קשה גם כן לדבר על איזה כלל מסוים כי אפשר לדרחות אחד על ידי השני.

ממטרת מאמרי זה לברר אי אלה מקומות במשנה המכילים תופעות המסוגלות לספק חומר לבעיות הנכנסות לגדר חקר הספרותי של המשנה ושאלת יחסו של המסדר למקורות הקדומים שבהם הוא השתמש. בראשונה אציע מקור המכיל כמה תופעות כאלה ואשתדל לבררו. ואח"כ נראה אם ובאיזו מדה תופעות אלו נמצאות עוד במקומות אחרים במשנתנו. ועד כמה שאפשר במסגרת מאמר אברר כל תופעה ותופעה לעצמה וגם תופעות הקרובות לה.

## II

המקור המכוון הוא משנת ערכין פ"ב ח"ד:

א' אין בערכין פחות מסלע ולא יתר על חמשים סלע כיצד נתן סלע והעשיר אינו נותן כלום פחות מסלע והעשיר נותן חמשים סלע היה בידיו חמש סלעים רבי מאיר אומר אינו נותן אלא אחת וחכ"א נותן את כולם אין בערכין פחות מסלע ולא יותר על חמשים סלע אין פתח בטועה פחות משבעה ולא יתר על שבעה עשר אין בנגעים פחות וכו'. (ב) אין פוחתין מארבעה חדשים המעוברים וכו' שתי הלחם אין פחות משנים ולא יתר על שלשה לחם הפנים נאכל וכו' קטן נמול וכו'. (ג) אין פוחתין מכ"א תקיעות במקדש ולא מוסיפין על מ"ח אין פוחתין מב' נבלין ולא מוסיפין על ו' אין פוחתין משני חיליין ולא מוסיפין על י"ב ובשנים עשר יום בשנה החליף מכה לפני המזבח בשחיטת פסח ראשון וכו'. (ד) ועבדי כהנים היו דברי ר"מ וכו'. (ה) אין פוחתין משהה טלאים . . . ומוסיפין עד לעולם אין פוחתין משתי חצוצרות וכו'. (ו) אין פוחתין מ"ב ליום עומדים על הדוכן ומוסיפין עד לעולם אין קטן נכנס לעזרה לעבודה וכו'.

5 ע' יבמות פ"א ופ"ב, ב"ק פ"א-פ"ו ומ"ש על המשניות הללו בספר היוכל לכבוד בלוי (נזאת ליהודה), שבוועות פ"א-פ"ג ומ"ש להלן במאמר זה על המשניות האלו, וש"מ.

משניות כאלו אינן נמצאות רק בראש המסכת בלבד, כי לפעמים ישנן גם בתוך המסכת, ע' לדוגמא שבת פ"ו מ"א ולהלן, מיר פ"ו מ"א ולהלן, סנהדרין פ"ו מ"א ולהלן, וש"מ.

6 חלוקת המשנה לפרקים היא עתיקה מאד ויצאה כנראה מידי מסדר המשנה, עמ"ש בגדון זה בספרי התלמוד הבבלי בהתוותו הספרותית ח"א עמ' 165f. אבל לא כן חלוקת הפרקים למשניות יחידות, חלוקה זו היא כנראה מעשה המדפיסים הראשונים. לכן אני מצייין כאן את המשניות היחידות לפי הדפוס הרגיל.

7 י"ג: נערכין, אבל לעניינו אין נפקא מינה בש"ז זה.

הלך מסדר המשנה בסדרו את חומר המקורות ששמשו לו אבנים לבנין המשנה, יש בלי ספק למנות על התפקידים העיקריים והיסודיים של חקירת המשנה הספרותית. בירור השיטה והכללים כביכול שהיו נגד עיני המסדר בקביעת מקורות מן המוכן בתוך סדר משנתו מהוה פִּינָה מחקר לעצמה.

היות ולא נמסרו לנו לא שיטה ולא כללים, ובידנו אך ורק סדר משנתנו, עלינו מן המשנה שלפנינו עצמה להוציא עד כמה שאפשר את הכללים הללו. על יסוד טקסט המשנה עצמו עלינו לברר את דרכי מסדרה ושיטתו במלאכת הסדר. כשתקלים באיזה קושי או באיזו תופעה זרה במשנה בהכרח לנתח את כל הקטע הנתון כולו לפרטיו ולדקדוקיו, הן מפאת ענינו הן מפאת סגנונו והצעת החומר שבו. ובדרך זו עלינו להשתדל לברר את הסבה ולחקור את הטעם המסוגל להסביר את התופעה המשונה וליישב את הקושי. וכשאפשר בטעם המבורר במקום אחד ליישב גם קשיים באי אלה מקומות אחרים, כשבסבה המסבירה לנו תופעה זרה במקום אחד אפשר לפרנס גם תופעות בלתי רגילות בכמה מקומות אחרים, נכנסים טעמים וסבות אלה לגדר כללים שנקט בהם המסדר במלאכת סדור החומר שלפניו ובקביעת מקורות הקדומים שבידו בתוך סדר משנתנו.

יש תופעות שהן אמנם זרות, אבל הן מחד גיסא במדה ידועה מצויות ומאידך גיסא להן רק טעם אחד המסבירן ומפרנסן. סבת התהוותן היא די בולטת ונכרת תיכף ומיד. לכן על נקלה לברר תופעות כאלו ולא קשה גם כן לקבוע את הכלל הנובע מהן.

ככה מסתפקה כבר סקירה כללית על המשנה והתמצאות מסוימה בה כדי להכיר שהמסדר העמיד בכמה וכמה מקומות מקור קדום בראש המסכת. לפעמים למקור קדום זה באמת כביכול רק אופי של מבוא לנושא שלו המסכת כולה מוקדשה, ותו לא מידה. אכן במקומות אחרים למקור קדום זה אופי אחר לגמרי. מקור קדום זה המובא בראש המסכת מהוה לפעמים את המסגרת לחלק חשוב מחומר כל המסכת כולה. החומר הבא אחר כך מכיל מעין ביאור למקור הקדום,

« ע' משנת פאה פ"א מ"א: אלו דברים שאין להם שיעור הפאה וכו'. למשנה זו יש במ"ב רק מעין שתי תוספות ביאוריות מאוחרות ואלו הן: אין פוחתין לפאה מששים ואעפ"י שאמרו אין לפאה הכל לפי גודל השדה וכו'. משתי תוספות אלו נראית התוספת: ואעפ"י שאמרו וכו', להיות היותר קדומה. יסודה כנראה בעמדה שהפאה אין לה שיעור פירושו אין לה שיעור לא למעלה ולא למטה. ובכן כעמדת הברייתא השניה בירושלמי שם רה"א: אית תנא תני הפאה ... אין להם שיעור לא למעלה ולא למטה וכו'. לעומת זה עמדת התוספת: אין פוחתין לפאה מששים, כברייתא הראשונה בירושל' שם: הפאה יש לה שיעור מלמטן ואין לה שיעור מלמעלה וכו'.

וע"ע שבת פ"א מ"א. המסכת שם מתחילה בהלכה קצרה: יציאות השבת שתיים שהן ארבע. הלכה זו נובעת ממקור קדום שנשאר לנו בשבועות פ"א מ"א. בשבת ׀ מציעים אחרי הלכה הזאת את הביאור שעליו. והחל ממשנה ב': לא ישב אדם לפני הספר וכו', מובא חומר אחר לגמרי. חומר זה מסודר לפי פרינציפיון הזמן. בראשונה יום הששי סמוך למנחה ואחריו סמוך לחשכה וכן הלאה. פרינציפיון הזמן כמסגרת סדורית נמצא גם במקומות אחרים במשנה, ע' לדוגמא סדר המניית בפסחים וביומא.

וע"ע במשנה ריש נדרים וריש מיר וש"מ.

# לחקר הספרותי של המשנה

מאת

אברהם ווייס, ורשא, מכון למדעי היהדות.

כעת

ניו יורק, ישיבת רי"א.

## I

חכמים שונים מתקופת הגאונים ועד חקירת התלמוד שבזמננו אנו העירו כבר שכמה וכמה קשיים ותופעות זרות במשנתנו יסודם סוף סוף במהותם וטיבם של המקורות שדין בידי מסדר המשנה ושמשו לו אבני בנין בסדור המשנה<sup>1</sup>. ישנם קשיים הן בענין ובסגנון הן בהצעת החומר וסדרו שאין לפרנסם אלא בקורות התהוותו הספרותית של הקטע הנתון. צורת המקור הקדום ודרך ההשתמשות בו השפיעו על עיצוב דמות המשנה הנתונה. עצם רעיון זה יצא כבר באמת מפי חכמי התלמוד<sup>2</sup>. המשפט: ומשנה לא זזה ממקומה<sup>3</sup>, הנמצא בתלמוד, אומר בעיקר הדבר, שהקושי במשנה הנתונה הוא כביכול רק יחסי בלבד ויש לפרנסו בקורות התהוות המשנה ובדרך המחבר ושטתו בהשתמשו בחומר המקורות שלפניו. בירור הדרכים, שבהן

1 כן לדוגמא בקצור כללי התלמוד הנדפס בש"ס אחרים מסכת ברכות: כתב בשארית יוסף בשם הגאון כמה שמצינו שסידר רבינו במשנה איזו דינים חולקים יחד כמו ששנינו בכל מערבין וכו' שרבי כשסידר המשנה פעמים מצא דברים סדורים ובאים סדרם הוא כפי חכמתו איש על מקומו וכו'. דברים אלה נובעים מאגרת רש"י.

ובשל"ה ח"ג רל"ז ב' איתא: מצינו במשנה ובריייתא, ואו' במקום או כמו חלץ ועשה מאמר וכו' ומצינו יש, שין' במקום, ואו' וכו' וצריך ליתן טעם מה שייכות יש, שין' ל, ואו' ונראה שבת"ר סדרי משנה שהיו קודם רבי היה נשנה שם ב, שין' ושם היה שייך לומר, שין' דהיה קאי על ענין לפניו ואח"כ כשקיצר מהמשניות ושנה כמו ששנה כאן ה, שין' לא זזה ממקומה וכו'.

וע' רי"ף ברכי המשנה פ"ד: כללי המשנה, ח. אלבק בספרו על המשנה. אני אדבר כאן גם על משניות המדובר עליהן שם. דעתו היא עפ"י רוב אחרת. אכן אני מציע כאן רק את דעתי אני והבוחר יבחר.

2 השוה עוד הסוגיות המובאות להלן.

3 יבמות ד' א' ובנ"ש.















103796

Hebrew.. 1941

**THEOLOGY LIBRARY**  
**SCHOOL OF THEOLOGY AT CLAREMONT**  
**CLAREMONT, CALIFORNIA**

